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THE LOUISIANA
HISTORICAL QUARTERLY

Vol. 16, No. 3 July, 1933

THE LAND VENTURES OF GENERAL LAFAYETTE IN THE TERRITORY OF ORLEANS AND STATE OF LOUISIANA

By KATHRYN T. ABBEY
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THROUGHOUT the history of the American people, like a red thread through a strand of rope, runs the story of land ventures and speculations. The Spanish Conquistador and the British adventurer, the farmer in his prairie schooner and the land jobber of the Florida boom have all seen dancing before their eyes visions of wealth wrested from this manipulation of real estate. The earmarks of all these transactions bear a substantial similarity. Fortunes have been made, and concerning these the advertising has been loud and jubilant; fortunes have been lost, and concerning these there has been a discreet reticence. Now and then a project takes place which from the nature of the situation or the persons involved or both attract unusual attention and interest. Such a one is the story of the LaFayette land ventures in Louisiana.

The story is an intriguing one, not only for the personalities which it reveals but also for its picture of the political trimming and skilfull wire pulling of that distant day and time. No one denies the debt which the American people owe to the young Frenchman who literally ran away from home to join their meagre fortunes. He believed in them when they scarcely believed in themselves and contributed to their cause at a time when the colonial purse was even more parsimonious than it was poor. But gratitude to LaFayette does not alter the fact that he was as improvident as he was generous and impractically idealistic about land values in the American wilderness as about political theories for the French state. Nor is it less true that Congress fathered

three attempts to repair the LaFayette fortunes while the mothering of these attempts was the by-product of three Presidential administrations.

At the time LaFayette gave from his great wealth to the cause of independence, he expected no return, in fact he had stipulated that he would take no reward for his services. But after the overthrow of Louis XVI had reduced his family to want and himself to a penniless prisoner, it was natural that his friends looked to the United States for aid. Madame LaFayette, whose devotion to her husband was wholly selfless, felt no hesitancy in appealing to the American ministers at Paris and the Hague. Such aid was too fragmentary to be of much use; furthermore giving away Embassy funds created its own problems.[1] Steps were taken to secure relief from Congress and, in March 1794, $24,424 was voted him, this being the back pay which LaFayette would have received as Major-General in the Continental army.[2]

To one accustomed to enormous riches, $24,424 was trifling and lasted but a short time. Moreover when his affairs were settled in France, he found himself permanently shorn of all but a small part of his former property and beset by an army of destitute relatives and friends to whom his generous nature never said no. Thereafter, he borrowed wherever credit was available and before long, in addition to a totally inadequate income, he had an appalling burden of debt.

From this emergency arose the second effort for relief by the American Congress. It was decidedly not an act of charity for LaFayette had spent many times $24,424 for the United States. Also, the land grants to which all officers in the Continental army were entitled had never been awarded him.

The initiative for this compensation came chiefly from the American plenipotentiaries abroad who realized the really pitiful plight of LaFayette and was eagerly seized upon by Du Pont De Nemours,[3] a French liberal and recent emmigrant to the United

[1] John Quincy Adams to Monroe, June 20, 1796, *Monroe Papers 8.*

[2] Annals of Congress, III, p. 1428.

[3] Pierre Samuel du Pont de Nemours was an economist of note during the pre-revolutionary period of France. He was a moderate liberal in the Estates General in 1789. He was opposed to the radical regime but escaped imprisonment until the close of the Terror when he was captured and thrown into prison. Robespierre's death saved him. He returned to political life but came to loggerheads with the Directory and began to turn his eyes toward the new world. In October, 1799, he sailed for America with some dozen relatives and friends. He was in business in the new world until 1802 when he returned to Paris. One of his sons, Irenee established a powder factory near Wilmington, Delaware, the other, Victor went into business in New York. In 1815 DuPont Pere returned to America where he died two years later. *Correspondence between Thomas P. Jefferson and Pierre Samuel du Pont de Nemours, Introduction.*

States. As he wrote Jefferson, "Your plenipotentaries had given his friends hope that Congress would find it worthy of the United States to help this able and intrepid warrior, this honorable and intelligent mediator, this man of purity and virtue who helped it.

They had gone so far as to think that there might be given to him:

$20,000 to pay what he owes to citizens of the United States;
$20,000 in cattle of good stock and first class agricultural implements for stocking his farm;
$20,000 in shares of the Bank of the United States.

$60,000

Are there any measures to take in regard to this?
If there are not who will arrange this?
If measures are taken, will they have any success?
This is what I am asking of your friendship?"[4]

LaFayette knew of these efforts, indeed he admitted that he was "very desirous that Congress would do something for him"[5] but he did not feel that it behooved him "either to promote or anticipate."[6]

While Jefferson and Madison were willing, even anxious, to help their friend and did not doubt the justice of his cause, the matter was not without its problems. The Republicans were too recently in the political saddle to disregard possible opposition. Furthermore, the country was not rolling in wealth and, then as now, it was blessed with the question of compensating the veterans. As the Jeffersonians had charged their opponents with being a bit free in the management of public funds, discretion demanded due caution in suggesting a bounty or gift for an individual who was not even a citizen of the United States. Thus Jefferson laid down the principle that any compensation must be in the form of "reimbursement for monies expended for the United States or indemnification for loans sustained in their services."[7] Even in this harmless guise, political leaders hesitated to raise the issue and nothing was done for a year.[8]

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[4] DuPont De Nemours to Jefferson, April 2, 1802. *Correspondence between Thomas Jefferson and Pierre Samuel Du Pont De Nemours*, p. 44.
[5] Richard Peters to Madison, May 18, 1803. *Madison Papers 35.*
[6] LaFayette to Jefferson, January 1, 1802. *Chinard, Correspondence between LaFayette and Jefferson*, p. 215.
[7] Jefferson to W. R. Davie, February 28, 1802. *Jefferson Papers 121.*
[8] Davie, W. R. to Jefferson, March 20, 1802. *Jefferson Papers 121.*

During the next session, a bill was introduced extending the time limit for the location of military land warrants. As a rider to this bill Dawson of Virginia proposed an amendment permitting LaFayette to locate the acreage previously granted to major-generals. He touched cautiously on the distress of the General and the back-pay already received but explained that no land had accompanied the settlement as he had been attached to no particular line of service. This could be easily remedied, however, by assigning LaFayette to the Virginia establishment with which he had done most of his fighting.[9] Some opposition was voiced on the ground that LaFayette had no legal claim on the United States and that many American soldiers had been refused better claims but Dawson replied by taking the whole question out of the realm of legal right and placing it on the high plane of human justice. This was a region apparently too rarified for the opposition to reach for the bill passed.[10] The Senate gave little trouble except that the acreage granted was reduced from 15,000, the usual amount awarded to major-generals, to 11,520.[11]

According to the bill, LaFayette's land was to be located, along with the other military grants, "north of the Ohio river and above the mouth of the Kentucky river."[12] Such grant could not fail to be a generous and profitable gift in the long run but there was little prospect of a quick turn-over to relieve the pressing distress of the owner. The region about which everyone was talking was Louisiana, recently purchased from France. Louisiana, especially that portion near New Orleans, was of known value to start with and there was every prospect of a land boom once the transfer to the American flag was completed. Were the 11,520 placed in that territory they could be sold at a profit in a short time.

Another angle of the situation was equally alluring. There was much current talk about LaFayette's settling in America. The story was not without foundation for during his imprisonment, he had hoped to escape to America.[13] After his return to France, the distress of his condition frequently led him to consider emmigrating; at one time, he said himself that the greatest deterrent was his fear of being captured by the British.[14]

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[9] *Annals of Congress*, XII, p. 570. House Record, February 21, 1803.
[10] *Ibid.*, p. 582.
[11] *Ibid.*, p. 641. House Record, March 3, 1803.
[12] *United States Statutes at Large*, II, p. 236. Act of March 3, 1803.
[13] Whitlock, LaFayette, I, p. 32.
[14] LaFayette to Jefferson, April 22, 1805. *Chinard, Correspondence between LaFayette and Jefferson*, p. 237.

Jefferson saw in this possibility a victory for patriotism and republican doctrine. What better way to tie the French of Louisiana to their new allegiance than to settle the LaFayette family in their midst; and what better choice for the first governor of the territory than the General himself?

As early as November 1803, the President hinted his intention to his old friend. He wishes LaFayette were in the United States so he could "avail ourselves of your services as Governor of Louisiana."[15] A courteous and non-commital reply was his only reward. LaFayette was not insensible to the honor and regretted his absence. Jefferson continued to discuss the idea, however, and it had its share of attraction at La Grange where the family argued pro and con. While LaFayette never openly encouraged Jefferson to expect him in America, he did seriously consider transporting himself and family to Louisiana and was not unaware of the advantages to be gained from such a course. The following two letters will explain his position more clearly. On October 8, 1804, he wrote Jefferson that although he admitted that a residence in the United States was the only way to expect a "reunion of dignity, wealth, and safety," he could not leave France.[17] Two days later, a letter to Madison contained more in the same vein:

> "You will no doubt feel with me, when in my answer to our respected friend, I am particularly fearful to encourage ideas upon which the munificence of Congress and his own plans of location may be founded-still more so to expose his administrative arrangements to any disappointment or delay. Yet, when I consider the situation of things and the disposition of men around me, I see great and various probabilities of my being before long and without any political scruple a happy inhabitant of the Banks of the Mississippi."[18]

The letter continues by saying that regardless of his plans, his son-in-law had determined to try his fortune in Louisiana. The renewal of the Napoleonic struggle in Europe combined with the disappointments and complications concerning the location of the grant are enough to indicate why these half formed desires

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[15] Jefferson to LaFayette, November 4, 1803. *Chinard, Correspondence between LaFayette and Jefferson*, p. 225.

[17] LaFayette to Jefferson, October 8, 1804. *Chinard, Correspondence between LaFayette and Jefferson*, p. 231.

[18] LaFayette to Madison, October 10, 1804. *LaFayette Mss., University of Chicago, No. 4.*

never materialized. It can not be said, however, that LaFayette never meditated settling in America or that Jefferson's projects were kept alive by the wish being father to the thought.

But all these fair potentialities would be barren and fruitless if the 11,520 acres had to be located in the northwest territory. Accordingly, while the President was dreaming dreams and seeing visions, his partisans set about the task of changing the law. It had been a disappointment that the first law had specifically named the region of the grant instead of leaving its location to Jefferson's discretion.[19] Congress did not object to the change and on March 27, 1804, permitted the placement of the lands in the territory of Orleans.[20]

Armed with this authority and LaFayette's power of attorney, Jefferson and Madison set forth on their ventures. Little did they realize that their troubles were just at hand. The agent selected to make the actual selections was Armand Duplantiers, a compatriot of the General who had also served as an officer in the Continental army. Duplantiers had drifted to New Orleans where he had gained some reputation as a connoisseur of lands and had become a partner in the House of Petot, Poignant et Cie. Poignant was in Paris when LaFayette received news of his grant and at once advised him to use the services of his old comrade. Madison was duly informed of this advice; also the fact that the general had already communicated with Duplantiers.[21]

Any attempt to locate lands around New Orleans would have been difficult for the region was old and therefore honeycombed with claims which the United States was bound to respect.[22] Duplantiers was soon sceptical of the success of his commission. There was a scarcity of land near the city, he complained to Madison, especially if one had to find tracts of 1,000 acres but as all the claims had not been settled, he determined to place the lands and argue afterward.[23] Accordingly on April 7, 1806, he filed a warrant, dated July 15, 1805, for 1000 acres described as follows: "On the lands belonging to the United States and lying around the City of New Orleans including the fortifications in the parts thereof not received by the government and on

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[19] Madison to Monroe, March 1, 1803. *Madison Papers 6.*

[20] *United States Statutes at Large*, II, p. 305. Act of March 17, 1804, section 14.

[21] LaFayette to Madison, October 10, 1804. *LaFayette Mss. No. 4, University of Chicago.*

[22] Malloy, *Treaties, etc., of the United States and Other Powers*, Treaty for the Purchase of Louisiana, Article 3, vol. I, p. 509.

[23] Duplantier (Duplantiers) to Madison, September 3, 1805. *Madison Papers Vol. of Mss. 28.*

the Canal Carondelet as far as the bounds of McCarty's plantation."[24]

The anticipated protests arose in short order. In the first place, over half the lands thus registered were claimed.[25] Secondly, the calm appropriation of the tract drew the ire of the City Corporation who promptly declared that the city owned 1800 feet beyond the fortifications by virtue of an old law of Carondelet, dated 1797. The land had been granted to give the city a revenue for public works.[26] New Orleans had never used the lands in any way which led to numerous doubts as to the legality of the pretensions, but, sound or false, they had to be reckoned with.[27] A third obstacle was the disconcerting fact that, even including the disputed tracts the whole did not constitute 1,000 acres. Indeed, Duplantiers estimated 211 acres near the town and 536 acres along the canal.[28]

The matter gave great concern to LaFayette's friends, especially Jefferson, who saw his hopes of swift financial aid grow dim. Various expedients were discussed. It was suggested that LaFayette accept less than 1,000 acres and call it 1,000 but Gallatin questioned the validity of such an act. Another possibility was to induce some of the claimants to surrender their lands in return for promises of later adjustment. Should this fail, swamp lands might be included which although not valuable in themselves would complete the necessary acreage.[29] Fortunately for Jefferson his shrewd political discretion came to his rescue. Proper and timely pressure on Congress secured the passage of another special measure enabling the warrants to contain as little as 500 acres.[30] This enabled the parcel of land along the canal to be placed although it cut off smaller sections. However, cautioned the President, it would not be wise to allow the LaFayette claim to conflict with those of other persons of the city for no

[24] Record of Registration, Register's Office of East District of Territory of New Orleans. Louisiana Private Land Claims, 2600, m-9. (A bundle of Mss. in the basement of the Interior Building, Washington, D. C.).

[25] Donation Patents, V, pp. 80-81. A map attached to the final grant of this tract indicates the claims. *Notarial Archives, Parish of New Orleans.*

[26] Duplantiers to Madison, April 17, 1806. *Madison Papers, Vol. of Mss. 28.*

[27] Report of the Land Agent on the LaFayette Grant. The claims of the city are treated as follows: "Upon this the corporation of New Orleans set forth claims as unbounded as they were unjust—Such at least has been the opinion expressed at Paris by M. Pitot, (ex-mayor of New Orleans) and other Louisianians; the same also has been asserted in writing by M. Lafon, engineer, and many merchants and planters of New Orleans," *Louisiana Private Land Claims, 2600 m-3.*

[28] Duplantiers to Madison, March 19, 1806. *Madison Papers, Vol. of Mss. 28.*

[29] Jefferson to Claiborne, January 16, 1806. *Jefferson Papers, 156.*

[30] Act of Congress, April 21, 1806, section 12. *United States Statutes at Large,* II, p. 394.

matter how much his friends wished to aid him, they must do only those things permitted to all.[31]

In like manner, a compromise was effected with the Corporation through Congressional action. By an act of March 3, 1807, ownership to the commons adjacent to New Orleans and within 600 yards of the fortifications were recognized as valid provided the city relinquished within six months all pretensions to more extended claims.[32] It must be explained as a tribute to LaFayette's generosity of spirit that, long before any adjustment was reached in America, he had instructed Duplantiers to concede all just claims. "I do not wish that a single personal advantage prevents my co-citizens at New Orleans from means of realizing humanitarian projects. If the President, Governor Claiborne, the City Corporation finds that some part of my property runs counter to these useful works, I hope to be sufficiently well known in my intentions for them to hasten to make, in my name, all offers and cessions necessary to satisfy these public ends."[33] This attitude is especially meritorous in view of the high valuation which everyone placed on the region thus renounced and the fact that the claims of the city were questioned even by the Governor.[34] Lafon, the engineer and official surveyor of the territory, insisted that not only did the city have no valid claims to the land but that he had surveys which would prove that point.[35] Apparently, the only reason for not contesting the city's position was the desire to prevent the grant from becoming unpopular with the people.

Hope of eventually placing at least 500 acres near New Orleans were far from abandoned for on November 26, 1807, Duplantiers filed a warrant for 1520 acres and located "one third part of the same in the following tract, on the vacant land situated beyond the line of the six hundred yards lately abandoned by Congress to the Corporation of the said city around the fortifications of the same."[36] Settlement of the issue dragged along and LaFayette did not receive the warrants for this land until after his visit to the United States in 1824. His friends were at a

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[31] Jefferson to Gallatin, June 15, 1806. *Jefferson Papers, 159.*

[32] Act of Congress, March 3, 1807, respecting claims to land in the territories of Orleans and Louisiana, section 3. *United States Statutes at Large,* II, p. 441.

[33] LaFayette to Duplantier, November 7, 1806. *Jefferson Papers, 159.*

[34] Claiborne to Madison, October 3, 1805. *Madison Papers, 28.*

[35] Lafon to Madison, May 12, 1810. *Madison Papers, 38.*

[36] Record Entry, November 26, 1807, New Orleans Register's Office. *Louisiana Private Land Claims,* 2600, m-9.

loss to explain this delay; as Madison wrote Jefferson in 1810, "some difficulty not yet explained is likely to defeat altogether the location near the city of New Orleans."[37]

Placing the remaining 11,000 acres of the grant involved no special task for Duplantiers had early been directed to the cotton lands along the Mississippi.[38] The process was tedious, however and for no apparent reason beyond the confusion of the Louisiana of that day: Old surveys were unreliable, new surveys hard to get, land titles inaccurate, the adjustments of claims irritatingly leisurely. At length, in July 1810, Duplantiers reported the completion of the task. The lands were good, he testified, none would fetch less than $5 an acre and on two or three years credit, the price should be around $10.[39] A few squatters were already on portions but they would probably be willing to clear the land on condition that their tenure be lengthened.

Unfortunately the settlers did not share this amiable view for not even these lands were free from claims. The most interesting case was that of Dr. Ebenezer Cooley who had purchased 2,084 acres from the widow of one, Joseph Bourget for $330. Bourget had worked the lands as an indigo plantation from 1767 to 1779 when it was abandoned. Brought before the Land Commission in 1817, the Cooley claim was rejected on the ground that Bourget, who at best had only the right of naked possession, forfeited his land by deserting it. Efforts to revive possession would probably never have been made, continued the decision of the Commission, had not a change of flag enhanced the value of the land; therefore, the claim was "unwarranted by any law, usuage, or custom of the Spanish Government or law of the United States."[40]

Not satisfied with this decision, Cooley dragged his case through the courts until 1825 when it was rejected definitely. By this time he conceived the notion of receiving compensation for improvements which he claimed to have made. He wrote Madison to this effect in order to give him the opportunity of effecting a compromise.[41] The reply to this hint doubtless lies among the

[37] Madison to Jefferson, May 25, 1810. *Madison Papers, 6.* (The case of Lafayette vs. Blanc, 3 Louisiana Annual Reports, 59 (1848), is illustrative of the litigation that tied up the patents.—Ed. *La. Hist. Qy.*)

[38] Madison to LaFayette, February 21, 1806. *Madison Papers, 6.*

[39] Letter dated July 21, 1810, probably from Duplantiers to Madison. *Louisiana Private Land Claims,* 2600.

The actual warrants, 11 in all and each for 1,000 acres, may be found in the Donation Patents in the Land Office at Washington, D. C.

[40] Report of the Board of Land Commission for the Eastern District of the Territory of Orleans, July 19, 1817. Claims Case of Ebenezer Cooley vs. General LaFayette. *Louisiana Private Land Claims,* 2600.

[41] E. Cooley to Madison, April 28, 1828 or 29. *Madison Papers, 69.*

latter's papers in the shape of a memorandum that Dr. Ebenezer Cooley received 2,000 acres of land in place of claims against the LaFayette grant which he lost in the Supreme Court of Louisiana.[42]

Other claims agaist the Pointe Coupee lands, while not hindering their sale and development, were too valid to be ignored and Congress settled them in 1845 by permitting the relocation of warrants 3, 4, and 5.[43]

During the progress of these tortuous land manipulations, LaFayette was scaling the heights of anticipation and sliding down the depths of disappointment. The grant from the United States had been his salvation and his gratitude knew no bounds. He was not capable of estimating the real value of his possessions, however, for his natural enthusiasm carried him away in the first place, and in the second, he was supremely ignorant of the surprising possibilities of real estate fluctuation in the wilderness. As John Armstrong wrote Jefferson; "His is one of those sanguine temperments that can hope against probability and believe against evidence, and so great is his confidence at this moment in the loan he is to make in the United States that he is borrowing money and otherwise contracting debts on the credit of it wherever he can find either a lender or a letter."[44] Armstrong strongly urged that, if the grant was not to be immediately valuable, LaFayette had better be informed at once.

But the General continued to listen to all the glowing tales of Louisiana and appeared to accept them all as gospel doctrine. In 1803 the Washington Gazette valued the grant at $100,000. Victor Du Pont raised the sum to $300,000. Later Pitot gave his opinion in writing that the property ought to bring 2,000,000 francs.[45] Small wonder that LaFayette considered that if his family was not living in the shadow of great wealth, at least their days of hardship were past; small wonder, also that as years passed and none of the profits appeared, he was bewildered and disappointed.

In the early days of the grant, LaFayette's plans for its disposition were specific. First there was $100,000 in debts which must be settled, this was to be accomplished from the sale of the lots near New Orleans. Second a debt of 40,000 francs must be

[42] Memorandum in Madison Papers, dated December 1828 or 29. *Madison Papers, 69.*
[43] *Congressional Globe*, 14, pp. 303, 346. Bill passed February 25, 1845.
[44] Armstrong to Jefferson, February 17, 1806. *Jefferson Papers, 156.*
[45] LaFayette to Jefferson, February 20, 1810. *Chinard, Correspondence between LaFayette and Jefferson*, p. 296.

paid to his brother-in-law, in Louisiana lands—this settlement had a sentimental aspect as LaFayette wished "to present him with an exact plan of his properties with the titles in due form and an authentic evaluation of land according to current values at the time I shall pay him this debt."[46] The foregoing discharged, the rest of the grant was to rebuild the LaFayette fortunes. Each of his three children should receive 1500 acres and he himself should have a plantation under his personal management. The remaining property should be divided into farms and leased and from the whole estate, once the debts were out of the way, he expected an annual revenue of between three and four thousand dollars. In the guilelessness of his heart, he hoped to complete such an arrangement within two or three years.

These plans met with the approval of his American friends. Jefferson advised him to sell the lots near New Orleans but to hold the cotton lands along the river using them as security for long term mortgages. The land, he thought, would increase 20% while the interest on the loans could be kept down to 5 or 6%.[47] If this seems a bit optimistic on Jefferson's part, it must be remembered that landed property was a pillar of his economic philosophy. Furthermore, he believed in the future of the west and considered any loan based on this land "as on the soundest bottom of any loan existing. Of which of the dominant powers of Europe is the good-faith as trustworthy? In what spot of Europe is the money of a lender more secure than in this peaceable, industrious, and thriving country?"[48]

LaFayette's high hopes were not destined for realization. Economic conditions both in Europe and America were kept in semi-confusion by the Napoleonic war; in addition, the land warrants did not reach France for six years. Few Bankers were willing to risk loans on security as yet unknown in extent and value.[49] The General did not lack diligent friends, however; in America, Gallatin and Monroe undertook numerous financial negotiations,[50] while abroad, it was largely their efforts which

[46] LaFayette to Duplantier, November 7, 1806. *Chinard, Correspondence between LaFayette and Jefferson*, p. 245.

[47] LaFayette to Monroe, Paris, October 29. No date is given but from the items of the letter, it was probably written in 1806. *Bibliotheque de Nantes.* Copied for Louis Gottschalk and used through his courtesy.

[48] Jefferson to LaFayette, January 20, 1811. *Bibliotheque de Nantes.* Copied for Louis Gottschalk and used through his courtesy.

[49] Gallatin to Madison, August 6, 1805. *Madison Papers, 23.*

[50] In 1806, Monroe secured a 10 year mortgage from Baring Brothers secured by the grant. This was not sufficient for LaFayette's needs and more borrowing followed. Monroe to Baring Brothers, March 4, 1806, and March 18, 1806. *Monroe Papers, III.*

kept the family from actual distress. As LaFayette himself admitted, "Nothing but personal benevolence can have hitherto parried the ill consequences of delay."[51] By 1808, affairs were so pressing that he made one of his rare complaints. What can he say, he asks Jefferson, to queries as to why he has received no titles or legal documents or even information regarding the location of the lands.[52]

In this emergency, a rescue was planned by David Parker, a financier and associate of Baring Brothers with whom Monroe had previously negotiated. Parker's idea was to borrow for 10 years on the security of the American lands, a sum large enough to meet all the General's needs and debts. The sum was to be divided into shares of 100 francs advanced by different persons at a fixed rate of interest. At the end of ten years, the investors would receive a percentage of the increased value of the lands.[53] Although the plan met with enthusiasm and Paris capitalists at once took up a number of shares, it was not successful because the invasion of Holland ruined the loans floated in Amsterdam by scattering free capital.[54]

By the time the long expected warrants did arrive, few illusions remained regarding the possibility of using them as a permanent source of revenue. It is not surprising, therefore, that, after giving 5 patents of 1,000 acres each to Baring Brothers, the General listened eagerly to the overtures of two Englishmen at Paris, Sir John Coghill and Mr. Seymour, who offered $12 per acre for the remaining Pointe Coupee lands. The deal was closed in the summer of 1812 to the relief and satisfaction of everyone: even Jefferson approved the move. No ground for criticism could be found anywhere for besides cutting the Gordian knot of a complicated financial situation, it also achieved the ultimate goal of years—LaFayette was free from debt.[55]

But he was not free from dabbling in land speculations for 520 acres were still to be located near New Orleans. "That precious tract," as he termed it, was henceforth to be the object of a joint

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[51] LaFayette to Jefferson, November 18, 1809. *Chinard, Correspondence between LaFayette and Jefferson*, p. 293.

[52] LaFayette to Jefferson, April 8, 1808. *Ibid.*, p. 273.

[53] Isaac Coles to Jefferson, July 26, 1809. *Jefferson Papers.*

[54] LaFayette to Jefferson, February 20, 1810. *Chinard, Correspondence between LaFayette and Jefferson*, p. 296.

[55] LaFayette to Jefferson, August 14, 1814. *Jefferson Papers.* "Thanks to the munificence of Congress and the kindness of my friends", he wrote, "I am perfectly clear of debts and pecuniary embarrassments".

venture by himself and Sir John Coghill.[56] According to a contract dated June 20, 1812, Coghill purchased from LaFayette all the land near New Orleans for a down payment of 85,000 francs. In case these lands, which were not yet known, should not total 500 acres, Coghill was to take ⅔ of the allottment and LaFayette ⅓. Property situated as far as two miles distant from the city, the partners were to divide equally. If, at the end of 9 years, Sir John decided to pull out of the enterprise, he might reclaim the 85,000 francs provided he had given three years notice of this desire. Should LaFayette be unable to meet these terms, the whole 520 acres should go to Sir John "let the same be located in whatever place they may or shall be."[57]

Another series of complications and delays followed before it was discovered that there was not 500 acres available for the warrant filed by Duplantiers in 1807. In this impasse, Monroe suggested that LaFayette liquidate his claim by taking whatever land was vacant.[58] LaFayette agreed to this, as did Sir Josiah Coghill,[59] nephew and heir of Sir John now deceased. On January 20, 1820, LaFayette endorsed a letter from Sir Josiah to this effect.[60] The partners also continued to share the grant in the proportions previously fixed, e. g. ⅔ for Coghill and ⅓ for LaFayette.[61]

Shortly after this, Coghill became allied with Lafon, the surveyor who, it will be remembered, opposed the claims of the city corporation for lands outside the fortifications. Lafon, acting as agent for Coghill now refused to accept any lands outside said fortifications for his client on the ground that they were valueless. He also advanced the legal argument that the

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[56] Little is known about Sir John Coghill beyond the fact that he was a British baronet living in Ireland. At his death which occurred shortly after his transactions with LaFayette, he left his claims on the New Orleans lands to his nephew, Sir Josiah (or Joseph) Coghill and his Pointe Coupee lands to the latter and his daughters.

[57] The original of this contract is in the *Paris Consular Records* of the United States. A copy is at LaGrange, LaFayette's home from 1799 until his death. This copy was summarized for the writer through the kindness of Dr. Louis Gottschalk. Portions of the contract are contained in the *Sale of Property of Successors of General LaFayette to J. C. Coghill*, Conveyance Book No. 23, p. 614, Conveyance Office, Parish of Orleans. LaFayette also mentions portions of this contract in various letters. It is frequently hard to correlate the statements contained in these sources but it is hoped that the present narrative is successful.

[58] Report of the LaFayette Claims, *Louisiana Private Land Claims*, 2600, m-4.

[59] Certain of the records speak of Sir Josiah as Sir Joseph. They are undoubtedly the same person.

[60] Josiah Coghill to LaFayette, May 28, 1819, endorsed by LaFayette, January 20, 1820. Report of LaFayette Claims, Louisiana Private Land Claims, 2600, m 1-2.

[61] Agreement between LaFayette and Josiah Coghill, filed at Paris, October 2, 1823. Louisiana Private Land Claims, 2600.

renunciation of these lands by LaFayette in 1807 need not hold as his subsequent warrant was never placed.[62]

The situation was at a standstill until the General's visit to New Orleans in 1825 when a general council of war was held between LaFayette, Harper, the land agent, and several prominent residents of the city. LaFayette was concerned not only over the delays which had kept the transaction open for so long but also over the depreciation of land values. He was uneasy that anyone should have lost money through his fault. The groups discussed the advisibility of changing the grant to some other part of the state. Harper suggested that Congress be asked to interfere once more in the General's behalf but LaFayette would not countenance this declaring that Congress had already displayed great liberality. The matter rested with Harper's promise to investigate the possibility of securing grants within the city through Executive order, a process he frankly considered illegal.[63]

That the investigation was as fruitless as Harper anticipated is borne out by the grant issued on July 4, 1825 which gave the General and his heirs 503 88/100 acres "beginning at a point in Graviers line 600 yards from the fortifications of the city of New Orleans."[64] But the end was not yet. Of these 503 88/100 acres given under the sign and seal of the United States, all but 114 74/100 were subject to claims, disputes subsequently declared valid.[65] At this discovery, LaFayette's conscience became so active that he offered Sir Josiah the entire piece of property or, if the latter wished 500 acres in his recently acquired Florida township.[66]

Coghill preferred to retain the partnership but, as soon as he was able he disposed of all his holdings.[67] The man who was thus left as the new business associate of LaFayette was John Hagan of New Orleans. Hagan bought out the Coghill interest

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[62] James Harper to LaFayette, April 10, 1821, Report of LaFayette Land Claims, Louisiana Private Land Claims, 2600, m 5-8.

[63] James Harper to George Graham, April 22, 1825, Report of the LaFayette Claims, Louisiana Private Land Claims, 2600, ab 2-4.

[64] Grant to LaFayette, July 4, 1825. *Donation Patents*, V, pp. 80-81, Notarial Archives, Parish of Orleans.

[65] See map appended to the grant of July 4, 1825. The claimants were McCarty, Blanc, Fleytas, Pontalba, Castillon, Griffon, Le Breen. (Blanc's claim was rejected by the Supreme Court of La., see 3rd La. Annual Reports, 59.—Ed. *La. Hist. Qy.*).

[66] LaFayette to Governor Derbigny, October 24, 1829, inclosure in *Heirs of General LaFayette vs. Joseph Kenton, et al*, Supreme Court of U. S., 59 U. S. 197 (1855).

[67] As early as 1824, Coghill had tried to dispose of his holdings through Vincent and Notte of New Orleans. (The Mss. clearly states "Messrs. Vincent & Notte", but this may be an error of the copyist as it is believed the name should be "Vincent Nolte".) Coghill to Messrs. Vincent & Notte, November 24, 1824. inclosure in *Heirs of General LaFayette vs. Joseph Kenton, et al*, Supreme Court of the U. S., 59 U. S. 197 (1855).

for £6,000 to be paid as soon as the tract was defined and the titles ratified.[68] He also came to terms with the General whereby the remaining lands were divided and improved by him for ⅔ of the profits of the same.[69]

No sale took place prior to LaFayette's death on May 20, 1834, when it was discovered that he had made no legal conveyance of the Coghill property. His heirs remedied this omission[70] and Coghill dropped from the scene of action, doubtless with a thankful heart. His kinsman had paid 85,000 francs for his heritage; he had received 6,000 pounds. On its face that would be a considerable gain but considering the disputes over claims, the cost of surveys, fees to attorneys, etc., it is probable that Coghill was rich in little but experience from his American adventure.

For a time the heirs of the General continued the partnership with Hagan but by 1840, the latter had pursuaded the two daughters to sell him their shares of the Louisiana tract for 100,000 francs.[71] The Hagan and LaFayette which appear so frequently in the old Conveyance Records of the district are therefore, John Hagan, owner of 8/9 of the grant and George Washington Louis Gilbert Dumottier LaFayette, who hung on, with a somewhat pathetic devotion, to some thirteen acres, the last remnant of the princely inheritance which his father had dreamed of developing on the banks of the Mississippi.

A few lots were sold privately but the first public auction of the property was held May 11, 1840, at the St. Louis Exchange. Practically all of the tract was disposed of during 1840 and 1841 for the location was good and the city growing in that direction.[72]

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[68] Agreement between Josiah C. Coghill and John Hagan, October 8, 1833. *Conveyance Office Book 15*, 363, Parish of New Orleans. Hagan also purchased some of the Pointe Coupee lands.

[69] *Ibid.* Agreement between General LaFayette and John Hagan, February 24, 1834.

[70] Sale of Property by Successors of General LaFayette to J. C. Coghill, February 14, 1835, Registered September 20, 1838. *Conveyance Office Book 23*, 614, Parish of Orleans.

[71] Vente de propriete, Epse J. C. C. F. de Latour Maubourg and Ve L. L. Dusaillant, herities de las suecn de General LaFayette a J. Hagan, avril 13, 1840. *Conveyance Office Book 28*, 145-151, Parish of Orleans.

[72] The lines of the property of the Heirs of Lafayette are indicated on the United States Official Map of New Orleans, published by George H. Grandjean, C. E., New Orleans, 1873. According to this map the boundary lines were Orleans Street on the north, Common Street on the South; extending between converging lines consisting of Roman and Claiborne on Orleans and Galvez and Robertson on Common.—Ed. *La. Hist. Qy.*

THE INTERREGNUM IN LOUISIANA IN 1861.

The Course of Events in the State from November, 1860, to April, 1861.

By LANE CARTER KENDALL, M. A.

SECOND INSTALLMENT.

CHAPTER II

GOVERNOR MOORE MOBILIZES THE STATE TROOPS AND TAKES POSSESSION OF THE FORTS AND ARSENALS OF THE UNITED STATES.

ALTHOUGH the political situation quieted down after the election which definitely committed Louisiana to secession, an event speedily transpired which was to force the state into withdrawing from the federal union. This was the determination of Gov. Thomas O. Moore to take possession of all United States property in the state, on the grounds that if there were any attempt at coercion by the United States, it would be unsafe for the citizens of the state to have these places occupied by an enemy.

> On the eleventh of January, 1861, occurred another great military and political event in the little capital of Louisiana. It was an event of profound importance and far-reaching consequences.
>
> This was the arrival by steamboat from New Orleans of a splendid body of uniformed soldiers, two hundred in number, fully armed and equipped, and commanded by a veteran of the Mexican war. This body of soldiers, held under admirable discipline and bearing themselves with all the port and self-reliance of thoroughly drilled regulars, marched from the boat to the broad street known as the Boulevards, and there formed in an imposing line . . . .[1]

The *Daily True Delta* of January 11, 1861, says that the steamer "National" started for Baton Rouge shortly after midnight of January 10, with a strong force of citizen soldiers, under

[1] "Two Decades of Louisiana," *New Orleans Democrat*, June 20, 1880. This was a serial publication written by Alexander Walker, who was an eye witness and a contemporary journalist.

the command of Col. J. B. Walton. Another detachment was awaiting orders to embark upon a steamer, which had also been chartered for the purpose, to go down to the mouth of the river.

The expedition to Baton Rouge was more thrilling, significant, and involved more potential danger than the trip down the river. The orders, which were signed by Governor Moore, directed the movement of

> the Crescent City Rifles, forty-nine men, under Captain Gladden, Washington Artillery, seventy-two men, Captain Oscar Voorhies, second company, *Chasseurs a Pied*, Captain S. Meilleur, forty men, Orleans Cadets, Captain Chas. Dreux, thirty-nine men, Louisiana Guards, Captain S. M. Todd, forty-five men, and Sarsfield Guards, Captain O'Hara, in all 261 men, [which,] setting out for the United States Arsenal at Baton Rouge, captured 50,000 stands of small arms from that place, four howitzers, twenty pieces of heavy ordinance [sic!], one battery of six-pounders, one of twelve-pounders, 300 barrels of powder, and a quantity of ammunition. Col. J. B. Walton was in command of the whole expedition.[2]

Governor Moore in his speech to the legislature,

> . . . . expressed the conviction that the Southern States would not be permitted to depart from the old union peaceably and that there would be an attempt to coerce them to remain within the Federal compact, and to make it binding upon them, when it was set at naught by the majority of the members of that great national copartnership. "I have therefore determined," he said, "that the State of Louisiana should not be left unprepared for the emergency. She has a long and exposed frontier, on which the Federal Government possesses fortresses capable of being used for the subjugation of the country, and to annul the declared will of the people. Near this capital, where the delegates of the sovereign people are about to assemble, was a military depot, capable, in unscrupulous hands, of being employed for the purpose of overawing and restraining the deliberations of a free people. On these grounds, respecting the manifest will of the people, and to the end that their deliberations shall be free, and their action supported by the full possession of the whole territory of the State I decided to take possession of the military posts and munitions of war within the State, as soon as the necessity of such action should be developed to my mind. Upon information which did not leave me in doubt as to my public duty, and which convinced me, moreover, that

[2] Rightor, Henry, *Standard History of New Orleans*, pp. 151-52 (*passim*).

prompt action was the more necessary in order to prevent a collision between the Federal troops and the people of the State, I authorized these steps to be taken, and they were accomplished without opposition or difficulty. In so doing, I was careful to confine myself to such acts as were necessary to effect the object with the greatest certainty and the least risk of violence.

"In accordance with an arrangement entered into with the commanding officer, in the presence of a force too large to be resisted, Baton Rouge barracks and arsenal, with all the Federal property therein, were turned over to me on the 11th and 12th instant, and on the 13th the Federal troops departed. About the same time State troops occupied Fort Pike on the Rigolets, and Forts Jackson and St. Philip on the Mississippi river; and such other dispositions were made as seemed necessary for the public safety. Receipts were given in all instances for the property found, in order to protect the officers who were dispossessed, and to facilitate future settlement."[3]

"The steamboat National, being detained some time at Donaldsonville for the cannoniers, did not arrive at Baton Rouge till after 5 o'clock last evening.[4]"

The actual scene is one of great interest:

After a short review and the delivery by aids of certain brief orders, this imposing array broke into column, and led by their gallant commander, the stalwart and soldierly Mexican veteran, took up the line of march through the broad street which conducted to the main gate of the barracks and arsenal, a few squares off. . .

The column, advancing with steadiness and military precision, soon reached a position which commanded a full view of the wide main entrance to the barracks and arsenal.

The gates were wide open. No sentinel now guarded them . . . There lay before the gallant body of volunteers an abandoned fortress and arsenal. Not a hostile soldier was visible. No flag waved from the flagstaff, its ropes and truck had been cut. The volunteers marched through the open gates on the wide campus, wheeled into line, and their commander, ordering his officers to the front, assigned them to various duties, and enjoining the strictest order and discipline, dismissed the battalion for meals and rest.

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[3] Quoted in Gayarré, Charles, *History of Louisiana*, New Orleans, 1879, IV, pp. 690-91.
[4] *Daily True Delta*, January 11, 1861.

. . . . A few hours before it had been occupied by a force of the United States under Major Haskins, composed of eighty regular officers and soldiers. By a previous arrangement made with the Governor of Louisiana and his military board, the commander of this force had, with due and proper protest, agreed to abandon the barracks and arsenal in case a superior force presented itself. The condition precedent was satisfactorily executed. A glance at the force and the preparations for the armed occupation satisfied Major Haskins, and he marched his garrison forth and took quarters elsewhere.

That night the volunteers rested from the fatigues and excitement of the momentous event of the day.

Early on the twelfth of January the barracks, arsenal and camping grounds, and indeed the whole town, were alive with preparations for the celebration of the event of the day before. The bands of music struck up the most animating military airs. The volunteers were busily engaged in burnishing their arms and brightening their uniforms for the grand parade and ceremony, and their officers were moving about busily to see that their men were on hand. Before noon the various companies had marched to the campus, with their brightened arms, their colors, and all the pomp and circumstance of glorious war. They were formed in line for review, and presented a most impressive array of young, ardent, determined soldiers.

Presently rode on the ground the Governor of Louisiana, with a large staff. He was received by the line with a present arms. There was a large crowd of civilians, public officials, and all the legislators, then in session, as interested and sympathizing spectators. People from the city of New Orleans and from the adjacent country had flocked to the little town to witness and participate in the great ceremony about to be performed.

It was a brief, emphatic and significant ceremony.

A large United States flag, from which fifteen stars had been erased, was produced, and a detail ordered to hoist it on the lofty staff in the center of the parade ground.

Some difficulty arose in the execution of the order from the cutting of the ropes and the truck of the staff. Then an intrepid soldier volunteered to climb the staff and attach the new flag. It was a perilous undertaking, but gallantly performed.

The new flag was given to the breeze. Fifteen of the stars which once had glittered on that flag were no longer visible. Those only were retained which represented the States that were regarded as friendly to Louisiana.

> As this new banner floated proudly upon the keen air of a winter day, the volunteers saluted with impressive ardor, the bands struck up the stirring notes of that popular and exciting air of "Dixie," and the cannon boomed forth with loud salvos, which echoed far up and down the river, while the vast audience shouted forth their loud huzzas.[5]

The *Daily Picayune* carried this account on January 15, 1861:

> The New Orleans companies, six in number, were under command of Col. J. B. Walton, and came up the river on the steamer National, chartered for that purpose. The arsenal was taken possession of at 12½ o'clock, when Col. Walton's command marched quietly in and relieved Maj. Haskin, commanding officer at this post, who surrendered to Gov. Moore in the name of the State. Maj. H. was granted until Saturday noon to leave, but his boat not having arrived, his time was extended to this morning. He remains unmolested at the barracks,while the arsenal grounds are occupied by the State troops. Public excitement has abated and everything is perfectly quiet.
>
> Col. Louis Hebert, commanding the regiment, has been ordered to superintend the erection of the necessary fortification to defend the occupied post. Col. F. M. Kent supersedes him in command of the garrison, and is now actively performing the duties therewith.
>
> On Sunday, Col. Walton was ordered relieved from duty at Baton Rouge, and to return to New Orleans with his command. He and his men left on the steamer National on Sunday at 4 o'clock. The arsenal was garrisoned with Baton Rouge troops.
>
> The United States Flag was pulled down and the old flag with *15 stars* was run upon the flagstaff, the band meantime playing the "Star Spangled Banner." Gov. Moore and a portion of his staff stood in the center with uncovered heads, while the ceremony was being performed.

"The pomp and circumstance of glorious war" carried with it an acrimonious dispute between the commanders of the Baton Rouge and New Orleans detachments. The contemporary account gives the facts in the case as follows:

> Regarding the late "trouble in the camp" of the soldiers at Baton Rouge, the Gazette of Saturday says:
>
> "Yesterday, at the hour of marching from the Boulevard to the barracks to take possession of the same, a mis-

[5] *New Orleans Democrat*, June 20, 1880.

understanding occurred, which gave new vigor and a new direction to the already intense excitement. Of the precise nature of the difficulty there are conflicting statements, and the truth of the matter will no doubt appear presently. It resulted in the resignation of the Creole Guards, who marched at once to the governor's residence, and there stacked their arms, Capt. Fremeaux and officers throwing up their commissions. The Pelicans left the ground, and were to have done the same, whilst the West Baton Rouge, Point Coupee and other companies, in no very pleasant humor, at once left the town. The New Orleans people marched up, leaving the country behind, and took possession of the fort. So the matter stands. We shall not anticipate the next movement in the revolution."[6]

A news despatch from Baton Rouge, dated January 12, said that the United States troops, who had been so easily dispossessed of the arsenal and barracks, were waiting for the arrival of the steamer Magenta, to take passage for Jefferson barracks, Missouri.

Immediately after their evacuation of the barracks and arsenal, which will probably be by six or seven o'clock tomorrow, Sunday morning, the state troops from New Orleans will leave for home, and the Baton Rouge forces will occupy the premises. The governor is enlisting men for a four month's campaign.

At 9 o'clock this morning the Continental guards, and portions of other companies, met in military array, awaiting orders. Some say they are destined for a crusade against fort Pike, and others that they are to go either up or down the river to aid their brothers-in-arms who have gone before . . . Of their movements, nothing definite can be ascertained, for all appear to have a seal upon their lips.[7]

When the news was bruited abroad that enlistments were being accepted in the forces of Louisiana, there was a rush by the adventurous and the unemployed to the recruiting offices, and during the day of January 10, about five hundred men were signed up.

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[6] *Daily True Delta*, January 15, 1861.
[7] *Ibid.*, January 11, 1861.

The gallant citizen soldiers had received, through their commander, the following orders, issued through the Adjutant-General's office:

> Major Paul E. Theard—
>
> You will proceed with your detachment on board the steamboat Yankee, and go down to Forts St. Philip and Jackson, where you will demand of the persons in charge of the forts to surrender them; and you will take possession of the same in the name of the state of Louisiana. Haul down the United States flags, if floating there, and hoist the Pelican flag from Fort Jackson. Place Captain St. Paul, with the 1st company of Chasseurs a Pied, in possession of Fort St. Philip, and take possession of Fort Jackson with the balance of the detachment. You will hold the forts, and defend them against any and all attacks to the last. Strict discipline and order must be exacted by you.
>
> By order of his excellency, Thomas O. Moore, Governor of the State of Louisiana.
>
> M. GRIVOT, Adjutant-General.

The *Daily True Delta* gives this account of the expedition against the down-river fortifications:

> The troops that left yesterday to take forts Jackson and St. Phillip (sic!), will we presume, meet with no opposition. The Continental Guards that left here yesterday, by steamer, have taken Fort Pike without firing a gun. Major Bosworth, commanding the fort, having no means for defence, surrendered at discretion. This course, on the part of Major Bosworth, was praiseworthy, for, to attempt to defend the fort against such an overwhelming superiority of numbers, would have caused an unnecessary spilling of human blood. There are other strongholds of the federal government in the state, which, thus far have not been attacked. Preparations are, however, under way to secure them, and a few companies are still held in reserve, to march at an hour's notice.[8]

The editor of the *Daily True Delta*, on reading of the "flare-up" at Baton Rouge, was moved to write these words:

> Forts Pike, Jackson and St. Philip, in this state, have been taken by the state forces. The arsenal and barracks at Baton Rouge, as our dispatches show, have been taken

[8] *Ibid.*

by the state forces. The disagreement, however . . . among the volunteer companies recently assembled at Baton Rouge is a serious matter; and if demoralization among the volunteer forces at this early stage of the game shows itself, it will be the duty of other men—men of a different style of metal and a different style of capacity than those who have raised the whirlwind—to take charge of the helm.

Since writing the above, we have learned that Capt. Bradford, a prominent citizen, who has raised the first company of troops under the recent act of the legislature, for four month's active service, has taken possession of the United States barracks below the city, and his men are now in peaceable possession of that important position.[9]

Expeditions of any sort cost money. The extensive military movements above described resulted in the reception by the governor of the state of this letter:

Jan. 11, 1861.

To his Excellency, Thos. O. Moore, Baton Rouge:

Sir—In the present condition of the affairs of the State, I presume you will be under the necessity of contracting a loan, and from the manner in which the Louisiana State Bank has heretofore extended relief to the State whenever it has been required, I feel authorized to place at your disposal, and without charge of interest, one hundred thousand dollars.

Very respectfully,
Your ob'd't servant,
Wm. S. Pike, Cashier.

The following reply was sent to this letter:

Executive Office, Baton Rouge,
Jan. 24, 1861

To Wm. S. Pike, Esq., Cashier, Branch, Louisiana State Bank.

Sir—In reply to the generous and patriotic proposition made by you on the 11th. inst., in behalf of the Louisiana State Bank, to loan to the State, without interest, one hundred thousand dollars, permit me to give you, in the name of the people of Louisiana, my cordial thanks. Your offer will be reported to the Legislature at its approaching session, and whenever the State Treasury shall require replenishment, it will doubtless be taken into consideration.

Very respectfully,
Thos. O. Moore
Governor of the State of Louisiana[10]

[9] *Ibid.*

[10] Letters quoted in news dispatch from Baton Rouge, published in *Daily True Delta* for January 14, 1861.

The barracks and the arsenal at Baton Rouge having been seized, the New Orleans troops, who had been brought up to the state capitol as re-enforcements, were relieved from duty, and left the city on their boat, the National, on the night of January 14.

> Our citizen soldiers, who have been spending a few days at Baton Rouge in the service of the state, returned . . . shortly after 9 o'clock this morning. Some members of the Washington artillery marched down to meet them, and a high feeling of enthusiam was manifested by the public generally . . .
>
> Capt. Jacquess and his force are expected to leave for Baton Rouge this evening.[11]

As each man was enlisted in the state forces, under the terms of the act passed by the Legislature at its extra session, he was required to swear allegiance to Louisiana, in the following terms:

> "I, —— ——, aged —— years, born in ——, ——feet —— inches high, ——, hair, —— eyes, —— complexion, do hereby engage to serve the state of Louisiana for four months, unless sooner discharged. And do agree to accept the compensation and allowances now made to soldiers in the United States army.
>
> "I do solemnly swear or affirm that I will bear true allegiance to the state of Louisiana, and serve it honestly and faithfully against all its enemies and opposers (sic) whatsoever, and obey the orders of the governor and such officers as may be appointed over me, according to the rules and articles of war, now existing in the United States."[12]

For some reason, New Orleans troops were not kept at the forts for any length of time. Probably the reason for this action lay in the fact that the majority of the enlisted personnel of the companies were clerks and store-keepers who could not be detained from their business too long. The state troops who were the relieving parties, were made up of men who had agreed to serve for four months on active duty. The New Orleans newspapers commented upon the fact that the unemployed literally mobbed the recruiting offices, as the service seemed to be well fed, if

[11] *Ibid.*, January 15, 1861.
[12] Quoted in *Ibid.*

nothing more. The pay of the ordinary private was only eleven dollars a month, but it carried with it quarters, sustenance and uniforms.

> The Continental Guards, Capt. Geo. Clark commanding, whom we reported as having been relieved from duty at Fort Pike by Capt. Clinch's Company C, of the state troops, marched up town about ten o'clock yesterday morning, having just arrived by the mail boat California, and refreshed themselves with a volunteer and civilized breakfast at the lake. The command, with old Jordan's band at the head, looking hale and hearty, albeit they had to pitch in to fix up things at the fort, and had no chance of pitching into "fixins" that would be some compensation for hard work. They bore their flag along—an original flag in make and material, if not in design, the state having neglected to send them one of Cassidy's. A fair-sized table cloth was the ground piece, and the blue and yellow paint furnished the stuff with which the star and pelican in the center were worked, by several of the members, the fun of the idea being too much to allow one man to go through with the job without fear of something "busting." The flag, however, was finished in about two hours, hoisted on the flag-staff, saluted with five rounds from a twenty-four pounder, in honor of the standard itself, and for the five states that had set up lone star flags for themselves.[13]

Far sighted business men throughout the state had predicted, from the beginning of the movement toward secession, that it would be the cause of the ruin of the state, financially and economically, After the seizure of the forts, by a series of acts which amounted to mutiny, if not treason, the state was so committed to secession that no other alternative was admissable. With the defeat of the cooperationist party all hope of a united south, was dismissed. This left the people of Louisiana face to face with the prospect that the state would become an independent entity, just as South Carolina had become. The question then arose as to what could be done about clearing ships from the port of New Orleans. If Louisiana were an independent power, would she be recognized as such in the other countries of the world? Would the clearance papers of a ship, stamped with the

[13] *Ibid.*, January 22, 1861.

official state seal of Louisiana, be acceptable to the harbor master at Liverpool, for example? These were some of the doubts which perplexed shippers. It is no wonder then that

> The approach of the Louisiana convention induced the masters of vessels to make rapid work of obtaining federal clearances. Yesterday fifty-eight vessels cleared from this port with one hundred and four thousand eight hundred and seventy-three bales of cotton. Foreign bottoms commanded a premium over northern bottoms, the latter with difficulty getting a cargo of any sort. Some of the vessels, indeed, cleared with but little in them, some nothing at all, and therefore have yet to look out for loads. Some twenty more remain and will probably clear to-day or tomorrow.[14]

This action on the part of the ship masters caused considerable concern in some quarters, but in others it created great delight, because, according to the business men, they wanted their cargoes to be sent to foreign ports, where they could be converted into cash, and therefore the threat of secession was good business for them. The next day, the action of the shipmasters was commented upon in these words:

> The approach of the meeting of the state convention, and the expected retirement, by its ordinance, of Louisiana from the Union very soon thereafter, acted upon the shipping in this port very much in the style of an electrical battery, a very large fleet having applied for and obtained clearances, in anticipation of the abolishment or suspension of the functions of the custom-house.
>
> The movement is a wise one, however viewed, because the sooner the vessels in port load and depart, the speedier will our exportable stuffs meet sale, and their value be realized, and the less danger will there be of trouble from conflicting jurisdiction or authorities. Not that we seriouly apprehend any protracted obstruction to the trade of this port; for, inasmuch as seceding or non-seceding states have large interests involved in the freedom of the trade of our river, it is not likely that sanction will be given any government, established or provisional, to molest, derange or destroy it; nevertheless, at the moment it is just as well to take every precaution, and inasmuch as the deportation of our merchandize is the most profitable, as well as the most desirable proceeding, we are glad to see every haste being made by its ocean carriers to expedite its translation to other lands.

[14] *Ibid.*

> Some curiosity has been manifested by shippers to know how our export trade is to be conducted in the event of secession, and some seemingly very profound opinions on the subject have been ventilated in print. The difficulty, however, is rather imaginary than real if no hostile force declares our river's mouths under the blockade, for foreign shipping can easily obviate, through consular agency, the inconviencies presented by conflicting local authority, and domestic shipping will scarcely come to a port which will not only be foreign but, should the federal government resent the action of the state, hostile. Save in the case of actual blockade, we see no way in which the trade of this port can be seriously interferred with, although, of course, great delay, in removing the accumulations of produce, may be experienced. It is reasonable for northern ship owners and ship masters to take alarm, for, in revolutionary times, and particularly, too, when so little can be safely affirmed of the probable course of things, the apprehension of trouble is always greater than the trouble itself, and every one seeks to protect himself and his own interests as hurriedly as possible. Were the Union to separate tomorrow, and resolve itself into its individual elements, affairs would soon adjust themselves to the altered relations; and so would they now, were the course of the united free states so distinctly overshadowed in regard to the states which have seceded, or may secede, as it soon must be. No interference with the export trade of these states will long be tolerated without an appeal to arms, and these once invoked, export and import trade will for a considerable time be conducted in any manner that may be practicable, without much regard to its regularity or or irregularity. Meantime, in the absence of actual blockade, everything will be likely to proceed as heretofore save in respect to domestic shipping, which, it seems to us, cannot clear for foreign ports unless the authorities in such ports are willing to accept such papers as were procurable at the date of their departure from home jurisdiction.[15]

Such was the situation when the state convention convened, which had been ordered to meet at the state capital in Baton Rouge on January 23, 1861.

[15] *Ibid.*, January 23, 1861.

CHAPTER III

THE PELICAN REPUBLIC

LOUISIANA'S old state Capitol has seen many historic events and has housed men of every shade and color and character. It has seen conventions come and go, governors arrive flushed with the anticipation of a busy and splendid future, and seen them leave, older, disillusioned, broken men. But the strangest and most thrilling event which it ever witnessed was the inaugural session of the Louisiana State convention responsible for the secession of the state from the Union.

The convention was called to order by Effingham Lawrence representative delegate from the parish of Plaquemines, on Wednesday, January 23, 1861. John Perkins, Jr., United States congressman, was called upon by Lawrence to take the chair. Lawrence also moved that Oscar Arroyo, of Plaquemines, a member of the state legislature, be appointed temporary secretary of the convention, and James Welch, of St. Helena, assistant secretary. J. H. Peralta was made sergeant at arms *pro tempore* on the motion by Lawrence.

Proceedings were then opened by a prayer, which was offered by the Reverend Mr. Linfield.

The men who made up the convention were:

SENATORIAL DELEGATES

The parishes of Plaquemines, St. Bernard, Jefferson and Orleans, right bank, Mr. Charles Bienvenu, Mr. Fergus Gardere.

All that portion of the Parish of Orleans on the left bank of the Mississippi River including the City of New Orleans, Mr. Peter E. Bonford, Mr. Felix Labatut, Mr. Thomas H. Kennedy, Mr. W. Rufus Adams, Mr. J. J. Michel.

The parishes of St. Charles and Lafourche, Mr. Louis Bush.

The parishes of Terrebonne, Assumption, and Ascension, Mr. Robert C. Martin and Mr. Adolphe Verret.

The parishes of St. James and St. John the Baptist, Mr. H. Bienvenu Roman.

The parish of St. Mary, Mr. G. Laclaire Fuselier.

The parishes of St. Martin and Vermilion, Mr. Alexander Declouet.

The parishes of St. Landry, Calcasieu and Lafayette, Mr. Alexander Mouton and Mr. Lucius J. Dupre.

The parish of Iberville, Mr. Augustus Talbot.

The parishes of Point Coupee, Avoyelles and West Feliciana, Mr. Charles D. Stewart and Mr. Abraham M. Gray.

The parishes of East Feliciana, East Baton Rouge and West Baton Rouge, Mr. James O. Fuqua and Mr. Andrew S. Herron.

The parishes of St. Helena, Washington, Livingston and St. Tammany, Mr. Hardy Richardson.

The parish of Rapides, Mr. John K. Elgee.

The parishes of Sabine, Natchitoches, DeSoto and Caddo, Mr. Benjamin L. Hodge, Mr. Henry Marshall.

The parishes of Winn, Catahoula and Caldwell, Mr. Wade H. Hough.

The parishes of Franklin and Carroll, Mr. Mark Valentine.

The parishes of Madison, Tensas and Concordia, Mr. John Perkins Jr., Mr. Lemuel P. Conner.

The parishes of Morehouse and Ouachita, Mr. Horace M. Polk.

The parishes of Jackson and Union, Mr. William M. Kidd.

REPRESENTATIVE DELEGATES

The parish of Plaquemines, Mr. Effingham Lawrence and Mr. Joseph B. Wilkinson jr.

The parish of St. Bernard, Mr. Antonio Marrero.

The parish of Orleans (right bank) Mr. George W. Lewis.

The parish of Jefferson, Mr. Christian Roselius & Mr. C. Theodule Lagroue.

The parish of St. Charles, Mr. Richard Taylor.

The parish of St. John the Baptist, Mr. Samuel Hollingsworth.

The parish of St. James, Mr. J. Kleber Gaudet, Mr. Louis L. LeBourgeois.

The parish of Ascension, Mr. Edward Duffel, Mr. Thomas Cottman.

The parish of Assumption, Mr. Edmond O. Melancon, Mr. Walter O. Pugh.

The parish of Lafourche, Mr. Caleb J. Tucker, Mr. J. Scudder Perkins.

The parish of Terrebonne, Mr. Andrew McCollum, Mr. Gilmore F. Connelly.

The parish of St. Mary, Mr. Jules G. Olivier, Mr. Washington M. Smith.

The parish of St. Martin, Mr. John Moore, Mr. Alcibiade DeBlanc.

The parish of Avoyelles, Mr. Fenelon Cannon, Mr. Aristides Barbin.

The parish of Catahoula, Mr. James G. Taliaferro.

The parish of Carroll, Mr. Edward Sparrow, Mr. John H. Martin.

The parish of Madison, Mr. William R. Peck, Mr. Claiborne C. Briscoe.

The parish of Tensas, Mr. Samuel W. Dorsey, Mr. William D. Anderson.

The parish of Concordia, Mr. Joseph E. Miller, Mr. Zebulon York.

The parish of Point Coupee, Mr. Auguste Provosty, Mr. Samuel W. McNeely.

The parish of West Feliciana, Mr. William R. Barrow, Mr. John T. Towles.

The parish of East Feliciana, Mr. Thomas W. Scott, Mr. William Patterson.

The parish of St. Helena, Mr. James H. Williams.

The parish of Washington, Mr. Nehemiah Magee.

The parish of St. Tammany, Mr. Sidney S. Conner.

The parish of Livingston, Mr. William H. Davidson.

The parish of East Baton Rouge, Mr. William S. Pike, Mr. J. Ambrose Williams.

The parish of West Baton Rouge, Mr. Nathaniel W. Pope.

The parish of Iberville, Mr. Theodore Johnston, Mr. Edward G. W. Butler.

The parish of Vermilion, Mr. Daniel O'Bryan.

The parish of Lafayette, Mr. Michel E. Girard.

The parish of Calcasieu, Mr. William E. Gill.

The parish of St. Landry, Mr. John H. Taylor, Mr. Caleb L. Swayze, Mr. Walthall Burton, Mr. Thomas H. Cooke.

The parish of Rapides, Mr. Thomas C. Manning, Mr. William W. Smart, Mr. Lewis Texada.

The parish of Sabine, Mr. Edward C. Davidson.

The parish of Natchitoches, Mr. H. H. Pierson, Mr. Jules Sompeyrac.

The parish of Winn, Mr. David Pierson.

The parish of De Soto, Mr. Joseph B. Elam, Mr. T. W. Graves.

The parish of Caddo, Mr. George Williamson, Mr. Leon D. Marks.

The parish of Bossier, Mr. Thomas J. Caldwell, Mr. Henderson McFarland.

The parish of Claiborne, Mr. James S. Thomasson, Mr. Nelson J. Scott.

The parish of Bienville, Mr. Felix Lewis.

The parish of Jackson, Mr. William B. Warren.

The parish of Union, Mr. Singney W. Griffin, Mr. William C. Carr.

The parish of Morehouse, Mr. Robert B. Todd.
The parish of Ouachita, Mr. Isaiah Garrett.
The parish of Caldwell, Mr. Cicero C. Meredith.
The parish of Franklin, Mr. Allen Bonner.
The parish of Orleans, 1st Representative District, Thomas J. Semmes, Mr. Isaac N. Marks, Mr. Benjamin S. Tappan; Second Representative District, Mr. J. A. Rozier, Mr. U. Y. Stocker; Third Representative District, Mr. James McCloskey, Mr. Robert W. Estlin, Mr. John B. Slawson; Fourth Representative District, Mr. O. H. Norton; Fifth Representative District, Mr. Joseph Hernandez, Mr. Bernard Avegno; Sixth Representative District, Mr. John Pemberton; Seventh Representative District, Mr. George Clark, Mr. Edward Bermudez; Eighth Representative District, Mr. Octave LeBlanc; Ninth Representative District, Mr. P. Sever Wiltz; Tenth Representative District, Mr. William R. Miles, Mr. William M. Perkins, Mr. Alexander Walker.[1]

John Moore of St. Martin Parish, nominated the Honorable Alexander Mouton as a candidate for the presidency of the convention. Isaiah Garrett was proposed by John L. Lewis. The result of the vote was:

Alexander Mouton received	81	votes
Isaiah Garrett "	41	"
John Perkins, jr. "	1	"
	123	"[2]

Mouton was informed of his election to the presidency by a committee composed of Messrs, Laurence, Herron, and Roselius. When Mouton took the chair, he delivered the following address:

Gentlemen of the Convention:

I arise to tender to you my thanks for this distinguished mark of your consideration. Fully impressed with a sense of the high responsibility thus placed upon me, I enter on the discharge of my official duties with a sincere desire so to conduct your proceedings as to afford full justice, to you all, as members of this convention, and as my colleagues in representing the people of the State of Louisiana.

Absent for many a year from deliberative bodies it cannot be expected, nor can I myself hope that I shall be as ready in regard to their parliamentary rules as may

[1] Official Journal of the Convention of the State of Louisiana (manuscript), pp. 2-5.
[2] *Ibid.*, p. 7.

be required in the course of the proceedings. With the indulgence and assistance, however, Gentlemen, which I expect to receive at your hands, I trust that you will not be altogether disappointed in my efforts to direct the movements of this body. I am further encouraged with the idea as well as the knowledge and reflection that the members of this Convention understand and duly appreciate the proprieties and courtesies of life.

We have met to dispose of an important object involving the welfare and reputation of our State.

I mistake very much the character of this body, if calmness and deliberation do not mark its proceedings, and if we are to be disturbed by angry discussions. At all events, we are engaged in an important cause, the cause of a brave, loyal and enlightened people, asserting their rights, and I trust that with the help of God they will be able to carry them out.[3]

J. T. Wheat was elected secretary after several ballots.

J. L. Manning, commissioner from the state of South Carolina, and J. H. Winston, commissioner from the state of Alabama to Louisiana, were invited to seats on the floor of the convention, on the motion of Jules G. Olivier.

After a motion to that effect had been proposed by S. W. Dorsey, and passed by the convention, a committee of fifteen was appointed to prepare and report an ordinance providing for the withdrawal of the state of Louisiana from the Union. This committee was made up of Perkins, chairman, Declouet, Roman, Sparrow, Garrett, Semmes, Dupre, Provosty, Miles, J. L. Lewis, Talbot, Barrow, Elgee, Roselius, and Williams.

No time was wasted in considering the business which everyone knew was the reason for the convention. John Moore submitted an ordinance of secession immediately after the motion was passed that a committee be appointed to draw up such a bill. This ordinance was read and referred to the committee of fifteen. A few minutes later, a second ordinance, this one proposed by W. U. Miles, was announced, but was referred to the committee without reading. Mark Valentine obtained leave to read the preamble of his ordinance of separation, but before he could do more, a motion was passed directing that all propositions of a similar nature be referred to the committee without reading. It appears from a perusal of the journal, that each member of

[3] *Ibid.*, pp. 7-8.

the entire group must have had secreted somewhere on his person a bill of withdrawal from the United States. There was no doubt that the secessionists had carried the state.

On Thursday, January 24, Perkins, as chairman of the committee of fifteen, reported the following ordinance and resolution, which were ordered to be printed, and made the special order of the day for Friday, the 25th:

An ordinance to dissolve the Union between the State of Louisiana and other States united with her in the Compact entitled "The Constitution of the United States."

> We, the people of the State of Louisiana, in Convention assembled, do declare and ordain and it is hereby declared and ordained. That the Ordinance passed by us in Convention on the 22nd. day of November, in the year eighteen hundred and eleven, whereby the Constitution of the United States of America, and the amendments of said Constitution, were adopted; and all laws and ordinance by which the State of Louisiana became a member of the Federal Union, be and are hereby repealed and abrogated; and that the union now subsisting between Louisiana and other States, under the name of "the United States of America" is hereby dissolved.
>
> We do further declare and ordain, That the State of Louisiana hereby resumes all rights and powers heretofore delegated to the Government of the United States of America: That her citizens are absolved from allegiance to said government: and that she is in full possession and exercise of all those rights of sovereignty which appertain to a free and independent State.
>
> We do further declare and ordain, That all rights acquired and vested under the Constitution of the United States, or any act of Congress, or treaty, or under any law of this state and not incompatible with this Ordinance shall remain in force, and have the same effect as if this ordinance had not been passed.[4]

Perkins also introduced the following resolution:

> *Resolved,* That we the people of the State of Louisiana, recognize the right of the free navigation of the Mississippi River and its tributaries by all friendly States bordering thereon. And we also recognize the right of egress and ingress of the mouths of the Mississippi by all friendly

[4] *Ibid.*, p. 19.

States and Provinces; and we do hereby declare our willingness to enter into any stipulations to guarantee the exercise of said rights.[5]

The tone of this proposition was so frankly in favor of separate state action that Rozier, a moderate from the second district of New Orleans, felt obliged to submit the following substitute:

An Ordinance for the final settlement of all the difficulties between the Free and Slave States.

Whereas, During many years past, associations and large bodies of citizens of the non slave holding States have evinced and carried out the steady purpose of assailing, by all the means they can employ, the peculiar institution of the Southern States and have aided the attack by vituperative addresses and speeches, abolitions (sic) petitions to Congress by inflamatory (sic) discourses, and by exaggerated appeals to the prejudices and passions of the ignorant and fanatical.

And whereas, Much sympathy has been exhibited and encouragement given in the non-slave-holding States to bands of lawless ruffians, making attacks upon the Slave-holding States, and endeavoring to incite insurrection among the Slaves.

And whereas, a formidable and powerful party, called the Black Republican, existing exclusively, with slight and insignificant exceptions, in the non-slave-holding States, has proclaimed that slavery shall be prohibited by action of Congress in the Territories, thus showing a deliberate hostility to the South,

And whereas, Many of the Non Slave-holding States have passed laws with the design and with the effect of embarrassing and preventing the operation of that clause of the Constitution and of the laws of Congress, passed in accordance therewith, in regard to the reclaiming of fugitive slaves, thus trampling on one of the clearest and valued rights secured to the South by the Constitution and laws,

And whereas, The election of Abraham Lincoln and Hannibal Hamlin, to the Presidency and Vice-Presidency, has given cause of alarm to all the citizens of the South and requires their determined, vigorous and united action to the principles which, it is believed will guide their administration.

Whereas, the rights of the South have been invaded, their opinions outraged and our institutions imperilled by

[5] *Ibid.*, p. 19.

the triumph and attitude of a sectional party; and Whereas, the danger which presents itself to us, is one we share in common with all the Slave-holding States, and appears in a shape which forbids us to seperate (sic) ourselves at the present perilous juncture, from the other Slave-holding States, but on the contrary impels and requires us to tender to them our own, and to seek their sympathy and co-operation.

And whereas, the time has come which demands prompt and vigorous action on the part of the South to assert and maintain her rights, and to proclaim to the world that she will no longer submit to the evils which environ her.

Be it ordained by this Convention, That all the Slave-holding States, or as many of them as will unite therein, be and they are hereby invited and requested to assemble in Convention at Nashville, in the State of Tennessee, on the twenty-fifth day of February next, and if it should not be possible to meet then and there, then at an early day thereafter as may be practicable (sic), and at such place or places as may be determined (sic) upon, to take into consideration the relations which the Slave holding States shall hereafter occupy to the General Government and the other States of this Union; and also to fix upon and determine what amendments to the Constitution of the United States are neccessary (sic) and proper to secure the rights of the slave-holding States of the Union, and to finally settle and adjust all questions relating to the subject of Slavery, in such manner as will relieve the South from the further agitation of that question, secure the people of the Slave-holding States in the peaceful and rightful enjoyment of their property and restore the equilibrium in the organization of the Government essential to a farther continuance of this Union.

Be it further ordained, That in the event such amendments to the Constitution of the United States, and such measures for the protection of the Southern Slave States, shall not be made and acceded to by the people of the non-slave-holding States, promptly, then said Convention shall, upon the call of the President thereof, reassemble and shall forthwith organize a separate (sic) Confederacy of the Slave-holding States, represented in said Convention, and such others as may join therein; and said Convention shall proceed to form a provisional and temporary Government for said Confederacy to continue until an election for Delegates can be held for a Convention and a permanent Constitution be adopted thereby, for the Government of the same.

> *Be it further ordained,* That six delegates to said Convention to be held on the twenty-fifth day of February next, or at as early a day afterwards as practicable (sic) or at such place or places as may be agreed upon by said Slave-holding States, as hereinbefore provided for be chosen by this Convention to represent the State of Louisiana therein—and that all the Slave-holding States be requested to appoint a number of delegates equal to the number of their Senators and Representatives in the Congress of the United States, to represent them in said Convention.
>
> *Be it further ordained,* That the Governor of this State be required to furnish confidentially, the Governors of each of the Slave-holding States with a copy hereof, with a request that the same be laid before their several legislatures and Conventions now in session, that they be requested to convene their legislatures to consider and act upon the propositions herein.[6]

Roselius was one of the principal co-operationists. A German by birth, he emigrated from his native country, and had come over to New Orleans while still a young man. He had engaged himself as an apprentice in a printing office, and rose through all the grades to be foreman of the shop, and then entered journalism, finally becoming an editor. He then studied law, and was admitted to the bar, where he became well-known for his moderation, conservative yet progressive thinking, and conscientious work in all phases of his profession.

An ordinance submitted by him was presented largely to fulfill his campaign promises, as everyone knew that the chances for a measure such as this to pass the convention were very slight. It is interesting to note, however, that even the moderate group did not have any idea of "submission." Secession was definitely mentioned, as an expedient to be resorted to if the constitutional amendments which the convention of states deemed necessary were rejected by the national government.

Fuqua, who had been elected on a cooperationist basis, likewise submitted an ordinance. Before the convention assembled, he had declared that there seemed to be little hope for settling the slavery question without withdrawing from the Union, but he favored a convention of all the southern states, which should work "with a view to promote harmony and unity of action among themselves." He contended that this was the only way the period

[6] *Journal,* pp. 21-23.

of anarchy and lack of co-operation could be avoided. This, he said, was inevitable, if every state went out of the Union at different times.

Fuqua's ordinance was presented as a substitute for Perkins' proposal for immediate secession. It was read by the secretary, and then ordered to be printed;

AN ORDINANCE

Whereas, the bond of Union between the Several States is the Constitution of the United States; and whereas, this Constitution has been violated by a majority of the Northern States, in their legislative action, denying to the people of the Southern States their constitutional rights and whereas, a sectional party known as the Black Republican, has recently elected Abraham Lincoln and Hannibal Hamlin to the Presidency and Vice Presidency of the United States upon the avowed principles that the Constitution of the United States does not recognize property in slaves, that the Government should prevent the extension of slavery into the common territory, and that all the powers of the Government should be so exercised as in time to abolish this constitution wherever it exists:

Therefore be it resolved by the people of Louisiana in Convention assembled, That the State of Louisiana cannot and will not submit to the Administration of Lincoln and Hamlin, as President and Vice-President of the United States, upon the principles referred to in the foregoing preamble.

Be it further resolved, that any attempt by the Federal Government, or others, to coerce any state that has seceded, or may hereafter secede, from the Union, will be regarded by Louisiana as an act of war upon the Slave-holding States, and will absolve the State from all allegiance to the Federal Government: and that, in such emergency Louisiana will make common cause with the state attacked, and resist such coercive measure with all the force at her command.

Be it further resolved, That this State desirous of cooperating with all our sister slave-holding States, accepts the invitation of the State of Alabama to meet them in council, and for this purpose will, on the —— day of January, 1861, elect six delegates to the Convention called by Alabama at Montgomery on the fourth day of February next.

Be it further resolved, That the delegates thus chosen are hereby instructed to urge upon said Convention to enter at once upon the formation of a Federal Union for the

> Slave-holding States and such other States as may unite with them; and that, in the formation of this Government, they are instructed to take as their guide the Constitution of the United States, and to conform as nearly as possible to it, only incorporating such changes as may be necessary to adapt it to our present condition, and to secure a distinct recognition of the right of property in slaves, and of the master to own and control his Slave wherever the jurisdiction of the Government extends.
>
> *Be it further resolved,* that as the representatives of the people of Louisiana, we take this opportunity to assure the people of those States lying upon the Mississippi River and its tributaries, and it is not the purpose of Louisiana in any event to obstruct or embarrass the free navigation of that Stream.
>
> *Be it further resolved,* That when this Convention adjourns it will adjourn to meet in the State Capitol at Baton Rouge, on the 28th day of February, 1861 at 12 o'clock, M, and that our delegates to the Convention at Montgomery are hereby requested to report their action to this Convention at that time for their approval or rejection.[7]

For some time before the convention met, there had been considerable discussion throughout the state as to whether the action of the convention should be submitted to the people of Louisiana for ratification or rejection. There were the "dictatorial" politicians who thought that any action which they might take should be, of itself, deemed correct, and that the voice of the people did not matter. The other party favored submitting all proposals to the electorate in order to discover whether there was any dissenting opinion regarding the matter. With that idea in mind Bienvenu, of Orleans, submitted the following resolution:

> *Resolved,* That whatever be the action of this Convention on the question whether or not this State ought to secede from the Union, it shall have no effect until the same shall have been ratified by the vote of a majority of the people at the ballot-box.
>
> *Resolved,* That in the meantime, and as a manifestation on the part of the State of Louisiana, of her determination not to seperate (sic) her cause from that of her sister states of the South, and of her desire not to show herself too precipitate in adopting so momentous a step as that which shall rend asunder the ties that bind her to the rest of the Confederacy, her Senators and Representatives in the Congress of the United Staes be instructed to leave their seats and to return to their constituents.[8]

[7] *Ibid.*, pp. 23-24.
[8] *Ibid.*, p. 25.

Conventions of any sort are desirable as viewed from the standpoint of the business man. For that reason, it is not remarkable that the mayor and the common council of New Orleans should pass resolutions inviting the state convention to come to that city. At the session of January 24, the proposal of the Crescent City was taken up. In it, a suitable hall in which to hold their deliberations was offered to the convention and the committees thereof, free of charge.

At the same time, the Deaf and Dumb asylum of Baton Rouge tendered the use of that institution to the convention. The motion by Herron that a committee of five be appointed to examine the facilities of the asylum was ordered to lie over.

Bush introduced the following resolution, which caused considerable discussion:

> *Resolved*, by the people of the State of Louisiana in Convention assembled, That the Thanks of this Convention are hereby tendered to his Excellency, Thomas O. Moore, Governor of the State of Louisiana, for the prompt and energetic measures by him adopted in taking possession of the Forts, Arsenals and Munitions of War under the control of the Federal Government, within the limits of the State of Louisiana; his acts are hereby unqualifiedly approved and we will defend them here and elsewhere, with all the power and means at our command.[9]

Action on this motion was delayed, as it was laid on the table, subject to call. According to the contemporary account, when it was called up again,

> Mr. Roselius, of Orleans, wished to know, before he voted, by what authority the "acts" mentioned were done. The governor was the highest conservator of peace, and such disregard of its requirements might become necessary and right, but until he was informed as to what exigency necessitated the action, he was prepared neither to thank nor censure.
>
> Much warm discussion ensued, during which the governor's annual message was received.
>
> A motion followed, that the portion referring to federal relations, as giving reasons for the seizure of the forts, etc., be read, which gave rise to renewed discussion, both for and against the object of the motion.
>
> There was considerable confusion, and harsh language was indulged in, which the president was forced to rebuke.[10]

[9] *Ibid.*, p. 27.

[10] *Daily True Delta*, January 25, 1861.

The governor's message was transmitted through E. W. Halsey, private secretary of the executive. It read as follows:

Executive Office,
Baton Rouge, Jan. 24th, 1861.

To the Honorable,
The President and Members of
the La. State Convention

Gentlemen:

I have the honor to enclose to you herewith a copy of my annual message to the La. Legislature for your consideration—this being the only communication I am at present prepared to make.

Very Respectfully
Your Obt. Servt.
THO. O. MOORE
Governor of the State
of Louisiana.

Gentlemen of the Senate and House of Representatives of the State of Louisiana:

My opinions on the momentous questions which have convulsed and are destroying the Federal Union were fully expressed in my Message at the recent session of the Legislature. Your prompt action shewed how deeply you were moved by the portents of the times—the threatened destruction of essential rights and most vital interests of the Slave holding States under the forms of a perverted Constitution—, and by the absolute duty of seeking at once for the means of self-protection. The vote of the people has since confirmed the faith of their Representatives in legislative and executive station, that the undivided sentiment of the State is for immediate and effective resistence, and that there is not found within her limits any difference of sentiment, except as to minor points of expediency, in regard to the manner and time of making such resistence so as to give it the most imposing form for dignity and success. Our enemies, who have driven on their conflict with the Slaveholding States to this extremity, will have found that throughout the borders of Louisiana, we are one people—a people with one heart and one mind—who will not be cajoled into an abandonment of their rights and who cannot be subdued, Whatever lingering hopes might have been felt by confiding men of the South, that these dissensions would be healed by the voluntary act of the people of the North, within the Union, have disappeared with the accumulating proofs that the Northern majority is

implacable. No proffet (proffer) of peace on any terms has emanated from them. The propositions tendered by the most moderate mind and Union loving Statesman of the South—not as expressing the whole measure of rights to which the Southern people are entitled, but as a project for conciliation to which they might be brought to consent for the old love of Union, which was the passion of Southern hearts—have been contumeliously rejected.

The common cry throughout the North is for coercion into submission, by force of arms, if need be, of every State, and of all the States in the South, which claim the right of seperation, (sic) for cause, from a government which they deem fatal to their safety. There can no longer be doubt of the wisdom of that policy which demands that the conflict shall come and shall be settled now.

The Sovereign people of this State have so decreed: and within a few hours their delegates will meet in Convention, to put this judgement into a form from which there will be no right, and no disposition, within the State, to appeal. Being executed by an unanimous and willing people, it will be entitled to the respect of the world, and the acquiesence of all powers and authorities whatsoever.

But it has been made apparant (sic) by the course of events elsewhere, by the intentions of those having authority in the Federal Government, as developed in their treatment of other States, which occupy the same relation towards these questions as Louisiana, that this right of independent action will be obstructed by force. The hostile occupation of Fort Sumpter, in the harbor of Charleston, for the purpose of overawing the State of South Carolina, subduing her to the will of the Federal authorities, and collecting taxes from her people by force is one glaring example of the modes by which a Southern State may be subjected to duress. The baffled attempts to reinforce that fortress are of the same character of aggressive purpose as the subsequent occupation of Fort Pickens, in the harbor of Pensacola in order to keep the State of Florida in forced connection with a repudiated Government. At the same time that these acts of extraordinary rigor in aggression are practiced towards the South, the Northern populace of Pennsylvania are permitted to defeat the action of the Federal authorities at Pittsburg, by forbidding the transmission of the public property to its designation points in the South, on the grounds of hostility to the South, to which dictation the intimidated authorities succumbed. Warned by these acts, and the uniform tenor of hostile language employed in Congress against free action in the South, and the uniform assertion of the doctrine

of passive obedience in the manifestoes of the Executives of Northern States, and the open menaces that the incoming Administration would carry out the same tyrannical purposes with even more rigor, I determined that the State of Louisiana should not be left unprepared for the emergency. She has a long and exposed frontier, on which the Federal Government possesses fortresses capable of being used for the subjegation (sic) of the country and to annul the declared will of the people. Near this capital where the delegates of the Soverign (sic) people are about to assemble, is a military depot, capable in unscrupulous hands of being employed for the purpose of overawing and restraining the deliberations of a free people. On these grounds, respecting the manifest will of the people, and to the end that their deliberations shall be free and their action supported by the full possession of the whole territory of the State, I decided to take possession of the military posts and munitions of war within the State, as soon as the necessity of such action should be developed to my mind. Upon information which did not leave me in doubt as to my public duty, and which convinced me, more over, that prompt action was the more necessary in order to prevent a collision between the Federal troops and the people of the State, I authorized these steps to be taken, and they were accomplished without opposition or difficulty. In so doing, I was careful to confine myself to such acts as were neccessary (sic) to effect the object with the greatest certainty and the least risk of violence.

In accordance with an arrangement entered into with the Commanding Officer, in the presence of a force too large to be resisted, Baton Rouge Barracks and Arsenal, with all the Federal property therein, were turned over to me on the 11th and 12 instant and on the 13th the Federal troops departed. About the same time State Troops occupied Fort Pike on the Rigolets, and Forts Jackson and St. Philip, on the Mississippi River, and such other dispositions were made as seemed neccessary (sic) for the public safety. Receipts were given in all instances for the property found, in order to protect the officers who were dispossessed and to facilitate future settlement. For the neccessary (sic) expenses, I have drawn on the appropriation made by the last legislature for military purposes. A detailed report of these proceeding and of the expenditures incurred will be laid before you in a few days.

With a full sense of the responsibility I have assumed, the whole subject is respectfully submitted to the Legislature.[11]

[11] Journal, pp. 28-31.

Bush's resolution of praise for the governor was then called up, voted on, and passed by 119 votes to 5.

> Mr. Roselius asked and obtained leave to have his reasons for voting in the affirmative, spread on the Journal, "In my opinion the conduct of the Governor was justified for the reasons assigned in his Message to the Convention, for the reason, for voting yea" (sic) C. Roselius.[12]

On Friday, January 25, Mouton announced the standing committees as follows:

> (1st) On Citizenship of Louisiana, Thomas H. Kennedy, chairman.
> (2nd) On Judiciary and Federal Jurisdiction and Property in Louisiana, P. E. Bonford, chairman.
> (3rd) On Commerce, Revenue and Navigation, T. J. Semmes, chairman.
> (4th) On Postal Affairs, H. Walker, chairman.
> (5th) On State Constitution and Protection of Private Rights, J. G. Olivier, chairman.
> (6th) On Military and Naval Affairs, R. Taylor of St. Charles, chairman.
> (7th) On formation of a Southern Confederacy, John Perkins, Jr., of Madison, chairman.
> (8th) On Finance and Contingent Expenses, B. L. Hodge, chairman.
> (9th) On Foreign Relations, Ed. Sparrow, chairman.
> (10th) On Patents, M. E. Girard, chairman.
> (11th) On Enrollment, P. S. Wiltz, chairman.

The following additional officers of the Convention were appointed by the President, viz:

> A. M. Perrault, Sergeant at Arms, J. R. T. Haynes, Warrant Clerk; Emile Wiltz, Albert Fabre, Translating Clerks; William Simmons, Door Keeper; James Kirby, Page.[13]

J. L. Manning, the accredited commissioner from South Carolina to the Convention, and John H. Winston, from Alabama, were introduced and spoke on the subject of their mission.

On Saturday morning, January 26, the convention met pursuant to its adjournment Friday night, at which session little of interest or importance had transpired. The business of the day

[12] *Ibid.*, p. 32.
[13] *Ibid.*, p. 33.

opened with the introduction of a resolution accepting the invitation of the council of New Orleans to have the convention meet in that city:

> *Resolved*: that the Convention accepts the proposition of the Common Council of the City of New Orleans, and that when it adjourns today it will adjourn to meet in New Orleans on Tuesday next, the 29th instance. (sic)
>
> *Resolved further*, that a Committee of Three, [be] appointed by the President of this Convention, to confer with the said Council of New Orleans as to the location and all necessary arrangements for this Convention.[14]

Perkins of Madison then called up the order of the day which was:

> An Ordinance to dissolve the Union between the State of Louisiana and other States united with her, under the compact entitled "The Constitution of the United States of America."

The delegates who had been elected on a co-operation basis asked leave to retire, in order that they might consult together as to what course of action they should pursue with reference to this ordinance. Accordingly, a recess of twenty minutes was granted to the entire convention. When the members took their seats again, Lewis of Claiborne asked, that the co-operation delegates be allowed to express their reasons for the vote which they might give. This request was granted by the assembly.

> The call for the Yeas and Nays by Mr. Perkins of Madison heretofore entered . . . was had and resulted as follows, viz:
>
> Mefs. Adams, Anderson, Avegno, Barbin, Barrow, Bermudez, Bonford, Bonner, Briscoe, Burton, Bush, Butler, Caldwell, Cannon, Carr, Clark, Cook, Connelly, Conner of Concordia, Conner of St. Tammany, Davidson of Livingston, Davidson of Sabine, DeClouet, DeBlanc, Dorsey, Dupre, Duffel, Elam, Elgee, Estlin, Fuselier, Fuqua, Gladden, Graves, Gray, Gill, Girard, Greffin, Hernandez, Herron, Hodge, Hodges, Hollingsworth, Johnston, Kennedy, Kidd, Labatut, Lawrence, Lagroue, LeBlanc, Lewis of Bienville, Lewis of Claiborne, Manning, Marshall, Marrero, Marks of Caddo, Marks of Orleans, Martin of Assumption, Martin of Carroll, Magee, Miles, Michel, Miller, Moore, McCloskey, McCollam, McFarland, McNeely, Norton, Olivier, O'Bryan,

[14] *Ibid.*, pp. 36-37.

Patterson, Perkins of Lafourche, Perkins of Madison, Perkins of Orleans, Peck, Pemberton Pierson of Natchitoches, Pike, Polk, Pope, Provosty, Pugh, Richardson, Slawson, Smart, Swayze, Semmes, Stewart, Sparrow, Sompeyrac, Scott of Claiborne, Scott of East Feliciana, Smith, Tappan, Talbot, Taylor of St. Charles, Taylor of St. Landry, Texada, Thomasson, Todd, Toules, Tucker, Valentine, Warren, Walker, Williams of East Baton Rouge, Williams of St. Helena, Williamson, Wilkinson, Wiltz, and York—112 yeas.

Mefsrs. Bienvenu, Cottman, Gardere, Garrett, Gaudet, Hough, LeBourgeois, Lewis of Orleans, Melancon, Meredith, Pierson of Winn, Roman, Roselius, Stocker, Taliaferro, Verret—17 nays.

On motion of Mr. Moore, the rules were suspended and the President of the Convention, Hon, A. Mouton, was permitted to give his vote on the adoption of the Ordinance, which he accordingly did in the affirmative—making the result as follows 113 yeas to 17 nays. The whole number of votes being 130.[15]

When the result of the vote was announced by the secretary, Mouton, the president, made the following declaration:

"In virtue of the vote just announced, I now declare the connection between the State of Louisiana, and the Federal Union dissolved; and that she is a free, soverign (sic) and independent Power."

Upon the declaration of this proclamation, the bar of the House was removed, and His Excellency, Thomas O. Moore, Governor of the independent State of Louisiana, entered upon the floor, preceded by the Flag of the State, and took position on the platform of the President, whereupon prayer was pronounced by the Rev. W. E. N. Linfeld, and the Flag was blessed according to the rights (sic) and forms of the Roman Catholic Church by Father Hubert.[16]

The act of secession reopened the ancient controversy over the right of navigation of the Mississippi river in Louisiana. This was finally settled by the unanimous passage of the following resolution:

Resolved, That we, the people of the State of Louisiana recognize the right of the free navigation of the Mississippi River and the tributaries by all friendly States bordering thereon. And we also recognize the right of egress and ingress of the mouths of the Mississippi by all friendly States

[15] *Ibid.*, pp. 39-40.
[16] *Ibid.*, p. 40.

> and Powers and we do hereby declare our willingness to enter into any stipulations to guarantee the exercise of said right.[17]

Immediately after the passage of the above resolution, the ordinance of secession was signed by the members of the convention. Mouton, as president, was the first to affix his name. The delegates then placed their signatures upon the sheet in alphabetical order. There were one hundred and twenty-one men who approved the ordinance with only ten refusals.

> . . . Many of the co-operationist delegates united with the secessionists when the bill was put on final passage. Their attitude was well stated by Ex-Governor A. B. Roman, who, in an impassioned speech against the ordinance, declared that he would, nevertheless, "cheerfully support the bill when adopted and share the fortunes and follow the lead of his native State."[18]

The joy over secession was not entirely unanimous. The *Daily True Delta,* which had unusual clearness of vision commented in the following words upon conditions in New Orleans:

> Everything in this city appears to be in rapid progress towards a war establishment; trade is at a standstill, the importation of merchandise has almost entirely ceased, the warehouses of the federal government are everywhere literally glutted with bonded goods, the banks are remorselessly curtailing their discounts, ordinary creditors are endeavoring by all means short of legal pressure to lessen the liabilities of their debtors, stores and manufactories, traders and mechanics are diminishing their expenses by the discharge of hands, and, save the office-holders . . . everything looks dubious and bewildered not knowing what to expect or what may happen.
>
> The proceedings at Baton Rouge will take no one by surprise. The legislature is engaged in spending money profusely, and the convention is engaged in laying down a broad foundation for the erection of a monstrous superstructure of debt. The governor . . . assures the public that the resources of the state are, if not inexhaustible, at least in a most flourishing condition—that there is a surplus in the treasury . . . that everybody is well-off, happy and independent . . . Gov. Moore . . . is a cotton planter of large means and grand possessions, and within the range of his personal associations, privation of any

[17] *Ibid.*, pp. 40-41.
[18] Kendall, *History of New Orleans*, p. 234.

> kind may be an unknown visitor . . . therefore it is that we would counsel him to give some heed to what is daily occurring in this, the principal city of the state. where many of the largest commercial establishments have gone to bankruptcy; where millions of country indebtedness remains unnoticed and unpaid; where trade of all kinds is at a dead stand-still; where the city government is insolvent, and where thousands are unsure that bread to eat can be obtained for their honest and willing labor from week to week.[19]

New Orleans' reaction to the passage of the secession ordinance was partially reflected in the following editorial:

> The deed has been done. "We breathe deeper and freer" for it. The Union is dead; and with it all the hopes and all the fears which divided and agitated our people. It was a great, a glorious fabric; but its timbers had rotted at the heart. Without showing any symptoms of decay, it has fallen like a cedar falls. No government ever rose as she did—none has ever so perished. From the cradle to manhood was a single bound; from manhood to the grave a shifted scene. It grew up in the night like Jonah's gourd, and next day withered as it did. It went through none of the convulsions that marked the decline of other peoples. It was not overthrown by hostile invasion like Greece, nor was it overrun by Vandal hordes as Rome was. Neither did it perish of inanition like Egypt, nor was it conquered as Saxon England was. It was without precedent in its growth, without example in its fall. Peerless alike in its progress and in its prostration, it furnishes another memento to the many funeral monuments which give a sombre interest in the highway of time, upon which history, in after age, will write its own inscription.
>
> But the world was made for the living, not for the dead. With the last chime of the requiem, which tells the passing away of what was once the cynosure of nations and the idol of the American heart, will end the allegiance which invested the confederation with the attribute of indestructibility. It was a dream. It is gone; the illusion is past, and whilst every heart confesses to feeling, of having felt, a pang at the separation, there is no remorse to embitter the regret. There is no stain upon our hands, there is no daming proof upon the escuthcheons of the South. It was not her deed. Let the Northern assassins mourn as those without hope. It is their work. We can lay our hands upon the corpse without fear of accusing blood.

[19] *Daily True Delta*, January 26, 1861.

> Let them cover themselves with sack-cloth and ashes, and bid the mountains fall upon and hide them. The avenging angel will pass over the lintels of the South to light upon other habitations. Justice and mercy have gathered us together as "a hen covers her brood under her wing and" they "would not."
>
> Turning from these sad designs, a bright, particular star is seen glittering in the Southwest, and other lights are peering through the blue vault of heaven. They are the members of a new constellation, which is to challenge the gaze of the world. They are beautiful in their isolation; may their aggregation be stronger than the bands of "Orion," and their sway benigner than the "sweet influences of the Pleiades." To the lone star of the State we transfer the duty, affection and allegiance we owed to the congregation of light which spangled the banner of the old confederacy. Its course is our course. Into whatever combination it may choose to merge its separate beams, we will follow it faithfully, steadfastly and loyally. We bury all differences of opinion, all names which betoken divided views, all questions of mooted policy, in the grave over which the Black Republicans have furled a once honored flag, never more, perhaps, to wave over the Union as it was. We shall do this cheerfully; we shall not give to independent Louisiana or the confederacy to which she consents, a reluctant or divided support. The South says to every child of hers, "Son, give me all your heart"; and the South asks no more than she has a right to, and no more than she will receive.[20]

On the other side the more radical element found expression in the Crescent's comment:

> The representatives of the people of Louisiana, in Convention assembled, have discharged the principal duty for which they were chosen, in repealing the Ordinance by which the State became a member of the Federal Union, and declaring her a free, sovereign and independent commonwealth.
>
> By a vote almost unanimous, and with a calm dignity and firm purpose, Louisiana resumes her delegated powers, and escapes from a Union in which she could no longer remain with honor to herself or to her sister States of the South.
>
> The act was done with no unseemly haste, nor with any exhibition of unnatural passion. The issue of "immediate secession by separate State action" was distinctly made

[20] *Daily Picayune*, Jan. 27, 1861.

before the people; and the people decided in favor of immediate secession by electing an overwhelming majority in its favor to the Convention. In thus promptly executing the popular will, the Convention has entitled itself to the gratitude and confidence of the whole people of Louisiana.

The news of the secession was received in this city with a perfect furore of enthusiasm. Guns thundered forth from the foot of Canal street, flags were flung to the breeze in every quarter, and at night many houses, public and private, were brilliantly illuminated. Every one seemed to breathe more freely, every one's heart beat with a more rapid and pleasurable pulsation, and the determination was everywhere evinced to defend the sovereignty of Louisiana, come what might, and in the face of every obstacle.

If there remained any doubt of the disruption and disintegration of the Union, the secession of Louisiana has settled the question. The State which holds the mouth of the great "inland sea" of the North American continent—the State which contains within its limits the leading commercial city of the Southwest—the State which exports the great bulk of the king of commerce—has given the finishing blow to the Union, and it is now a thing of the past. It remains only for the compromisers of Congress to abandon their futile efforts of adjustment, and for the States of the South to seek, in a Southern Confederacy that repose and security which have been so cruelly denied them in the late Union![21]

The *Bee* exulted:

The State has seceded. Louisiana has resumed her sovereignty. The allegiance of her citizens is now due to her alone, and will, we are certain, be the most cordially and devotedly rendered. Let all past differences be buried in oblivion. We have seen that in the Convention the Cooperationists, with few exceptions, united with the Secessionists in sustaining the Ordinance of Independence. So let it throughout the State. Let us strive to outvie one another in the fervor of our zeal and the strength of our patriotism. We all agree that the issue was none of our seeking; that it was forced upon us; that we had to choose between a position of slavish submission and dependence upon a reckless and wicked sectional faction, with the prospect of increasing humiliation and more grievous oppresion or boldly and bravely to sever our connection with the agressor, and assert our independence. We rejoice that Louisiana has acted as best became her renown for gallantry, courage and determination. She has done her duty, and now leaves the consequences to God.[22]

[21] *Daily Crescent*, January 28, 1861.
[22] *Bee*, January 28, 1861.

As soon as the ordinance of secession was passed, the convention apparently felt so relieved at having disposed of the principal business to come before it, that it began to spend money lavishly. This was not just a passing phase of its activity, but one of it chief occupations; as it continued to disburse the people's money with a bounteous hand until almost the last day of its life. Oscar Arroyo, who had served for one day as secretary of the convention, during the time that that body was perfecting its permanent organization, was ordered paid the sum of one hundred dollars for his labors. His assistant was granted fifty dollars for his toil. The chief work in connection with the first day's proceedings was to list the names of the delegates who had presented their credentials. In manuscript the record takes up about fifteen pages. An additional hundred dollars was appropriated to be distributed among the pages employed during the session of the convention at Baton Rouge.

Immediately after this work was finished, the convention adjourned. It might seem that the delegates feared the possible wrath of the tax-payers at their excessive generosity. With the adjournment of January 27, the scene changes, and the center of activity and interest returned to New Orleans. Louisiana had declared to the world that she was an independent state. How long was she to remain a member of the family of nations?

(To be Continued)

HISTORY OF THE AMERICAN PARTY IN LOUISIANA

By W. DARREL OVERDYKE, A. B.
Shreveport, La.

FOURTH INSTALLMENT
(Continued from April, 1933, Quarterly)

CHAPTER IV

THE SUPREME EFFORT

IMMEDIATELY after the state election of 1856 the Democrats proceeded to contest it by entering suits at all possible places throughout the state. The New Orleans frauds and riots in which they themselves had played a leading part gave the Democrats a splendid opportunity to attack the Americans. The case of the Democratic contestant, J. M. Bell, who attempted to oust the newly elected American, Sheriff Joseph Hufty, was long and bitter.

The law conferred exclusive jurisdiction in contested elections on the First District Court,[1] but the Democrats preferred to bring action before a sympathetic judge. Bell therefore brought suit before Judge Cotton[2] for a writ of mandamus to compel the American commissioners to make returns from polls where votes had been destroyed. J. P. Benjamin plead for Bell while Hufty's interests were represented by Randell Hunt. When the commissioners refused to make false returns they were imprisoned and fined. Bell then brought his case before the First District Court where both sides claimed fraud. A judge and jury of twelve men decided that Hufty had been legally elected and increased his majority nine votes.[3] After this decision the Governor issued him a commission.

But Hufty was not allowed to keep the office for the next Democratic legislature consolidated the power of the state into

[1] Dart, *loc. cit.*, p. 12.
[2] *New Orleans Daily Crescent*, Nov. 10, 1855; Dart, *loc. cit.*, *passim*, gives a defence of Cotton and discusses the soundness of the legal principles which the later cases brought out.
[3] *New Orleans Daily Crescent*, Dec. 17, 1855, April 19, 1856; *National Intelligencer*, March 20, 1856.

their own hands. They adopted an address to Governor R. C. Wickliffe removing Hufty from office.[4] The Democrats assumed a sanctimonious air and attempted to hide their own party action in a long garbled accusation. The Governor commissioned J. M. Bell sheriff but Hufty refused to give up the office on the ground that his removal was unconstitutional.[5] In spite of Bell's efforts to obtain writs of mandamus to oust him,[6] he kept it until the Supreme Court gave the office to the Democratic contestant.[7] The question did not turn upon the legality of the election, for that had been decided in Hufty's favor in the first trial, but upon the removal power of the legislature.[8]

Two Democratic contestants for clerkships, two for justice of the peace, and two for constable lost their cases by jury trials before the First District Court in which they charged fraud and irregularity.[9] The American candidate for coroner of New Orleans won his contested election case.[10] Another American, Henry Bezou, gained his office after five months' delay when the Democratic contestant dropped the case.[11] Another contested case for district attorney was decided in favor of the American but a new law brought it up for revision.

One of the most spectacular cases was W. C. Auld *vs.* J. B. Walton for the clerkship of the Fourth District Court. Randell Hunt and L. Madison Day were the counsel for the American-elect, Walton. Hunt summed up the evidence in a brilliant three and a half hour speech.[12] He said that 122 of the witnesses did not know who the candidates for the clerkship were, 106 had never read the constitution, 20 had attempted to vote upon incomplete naturalization papers, 28 had tried to vote at the wrong precincts, and one offered to vote without knowing the candidates, and had signed a protest without knowing what he was signing.[13]

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[4] The removal address in part ran, "the free expression of the population has been illegally suppressed by partisan commissioners of election, who arrogated the power to themselves to disfranchise legal voters, and by bands of lawless men, who not only drove peaceful citizens from the polls by intimidation, violence, and bloodshed, but even after they had been closed destroyed more than 1,300 legal votes which had been received during the election by the commissioners."—*National Intelligencer*, Feb. 26, 1856; *Journal of the House of Representatives*, Louisiana, 1856, pp. 27, 28.

[5] *New Orleans Daily Crescent*, Feb. 18-25, 1856.

[6] So high was the feeling aroused that the judge carried a pair off pistols and a bowie knife which he attempted to use upon a recalcitrant deputy who had refused to arrest Hufty. "A judge fit to give impartial justice?"—*National Intelligencer*, April 10, 1856.

[7] *New Orleans Daily Crescent*, March 21, 1856. See also Bell vs. Hufty, 11 Louisiana Annual Reports 303.

[8] *National Intelligencer*, April 15, 1856.

[9] *New Orleans Daily Crescent*, April 10, 1856.

[10] *Ibid.*, Feb. 6, 1856.

[11] *Ibid.*, April 12, 1856.

[12] *Ibid.*, May 19, 21, 1856.

[13] *Ibid.*, May 19, 21, 1856.

By a vote of seven to five the jury awarded Walton the office to which he had been elected six months before, although the Supreme Court later reversed the decision.[14] Most of the other cases were quietly dropped.[15]

The two hundred witnesses called in this trial were those who had voted the Democratic protest slips. From day to day the *Crescent* printed their sworn testimony under the caption, "The Black Record". It was indeed a "black" record for the Democrats. Many witnesses were not over eighteen yet they had been "naturalized". Numbers had obtained papers just before the election —69 at one court, 61 at another. Other naturalized citizens could not produce papers at all. Three witnesses had never appeared in court to ask naturalization, but had had their papers brought to their homes, one without previous knowledge that he was an applicant for naturalization. Twenty-odd had only incomplete papers granted by Judge Eliot. There were forty-seven who had signed the protests without reading them; some had signed them after their ballots had been accepted. The record showed that while Know Nothing commissioners did reject legal votes, their course was inevitable because of the rotten and decadent situation.[16]

In his message to the legislature in January, 1856, the Governor discussed at length the "scenes of intimidation, violence and bloodshed which marked the late general election in the city of New Orleans." It was an "obvious duty to the honor of the state and of our republican institutions," he said, "to prevent the repetition of outrages which tarnish our national character and sink us to the level of the anarchial governments of Spanish America."[17]

The Democratic Lower House appointed a committee on contested elections which was immediately swamped with "evidence" of fraud.[18] The Know Nothings objected very strongly to the consideration of much of it. They contended the evidence was *ex parte* for a great deal of it had been gathered without notice to the contestants or allowing them to be present.[19] But the Democrats hastily took the evidence they desired, refused to give the American party time or opportunity to make a defense,

[14] Dart, *loc. cit.*, p. 13. See Auld vs. Walton, 12 Louisiana Annual Report 129.
[15] *Opelousas Courier*, Nov. 24, 1856.
[16] *New Orleans Daily Crescent*, May 28-June 4, 1856.
[17] *Ibid.*, Jan. 24, 1856.
[18] *Ibid.*, Jan. 22, 23, 1856.
[19] *Ibid.*, March 17, 20, 1856.

and by a strict party vote declared several seats vacant[20] upon the recommendation of the majority report of the committee. There were so many of these cases that action on some dragged on until the last of March. The representative from the parish of St. Helena was reelected without opposition.[21]

The Senate's action was even more summary. On January 25, 1856, it decided by a vote of sixteen to ten to vacate the seats of three contested senators. The Know Nothings fought every step, but this availed them nothing.[22] The Democratic majority of the committee on contested elections summoned witnesses but denied that privilege to the minority. This greatly handicapped their investigation. They asserted "that they had not even been permitted to examine the report of the majority, or the testimony upon which that report was based, until a few minutes before the matter was submitted to the senate—that they had asked not only as a right, but as an act of courtesy from the majority, the privilege of a few hours examination at least, of their report and testimony, which request was refused as was said, not from motives of discourtesy, but for political reasons."[23] The minority committee of the Senate issued a protest against the acceptance of testimony that was *ex parte* evidence. Their arguments were very similar to those used by their colleagues in the house.[24]

The majority report of the House Committee on contested elections[25] charged that gangs of armed desperadoes systematically attempted to terrorize those who wished to vote the opposition ticket in New Orleans. It claimed that hundreds of voters had been refused admittance to the polls and assumed that therefore their votes should be counted for the Democratic candidate. The minority report protested that most of the evidence was taken before the candidates were notified and that the judges who took it were not qualified.[26] It denied that all the disqualified voters had legal suffrage rights, showed that some had desired to vote

[20] *Journal of the House of Representatives*, Louisiana, 1856, pp. 14-21.

[21] The Americans were equally as successful in several other parishes where there were contested local elections. A re-election for sheriff of St. Bernard parish resulted in an American victory. Nearly all the Democratic candidates of Plaquemines parish, where the race was close, contested the election. The Americans retained all the offices there except their representative, whom the Legislature refused to seat.—*New Orleans Daily Crescent*, Dec. 17, 1855, Feb. 15, 16, March 17, 20, 1856.

[22] The correspondent of the *Crescent* said: "Messrs. Editors, the blood fairly curdled in my veins when I saw the Senator from Rapides, a foreigner by birth, the especial (sic) champion of the Anti-American party, expounding American law to American Senators, on the trial of three honorable native born Americans."—*Ibid.*, Jan. 28, 1856.

[23] *Ibid.*, Jan. 29, 1856.

[24] *New Orleans Daily Crescent*, Feb. 28, 1856.

[25] *Report of the Committee on Elections*, Majority Report, *passim*.

[26] *Ibid.*, Minority Report, *passim*.

the American ticket but were refused, and protested against the assumption that these votes entitled the Democratic candidates to office.

Late in March the American Senators and Representatives in the Legislature issued an address to the people of Louisiana. It was a lengthy explanation and history of the contested election cases and a detailed defense of the American party. It attacked the action of the Democratic party saying, "the action of the majority (the Democratic party) in ejecting members from their seats and substituting others in their places, and the removal of the sheriff of Orleans from office was usurpation of power, offensive to the Constitution—a despotic exercise of party tyranny, revolting to the American heart— and subversive of the fundamental principles of a representative government . . . By this act sixteen senators (less than a majority of the whole) substituted their will in place of the ballot box . . . A *legislative usurpation* most dangerous to the public safety . . . We wish it understood that the American Senators only desired to refer the election back to the people . . . The American party condemn in unmeasured terms, the breaking of ballot boxes and all similar outrages on elective franchises . . . Devall and Lumsden received no notice that testimony would be taken for the purpose of unseating them. Here we have before us a most glaring and infamous inconsistency, unworthy honest and honorable men; such as the most thorough unscrupulousness could have alone prompted. When the attention of the majority of those who composed this committee were invited to this contradiction of their previously assumed position, *those of the minority were cooly informed that the central committee of the Democratic party had decided in New Orleans upon* the course to be pursued in these cases!" The remainder of the address was devoted to a defense of American policies.[27]

While these contested election cases were being fought, other important party issues were discussed in the Legislature. One of these was the election of a chaplain for the Lower House. It had been determined by resolution, as was the custom, to invite the ministers of Baton Rouge in rotation to open the sessions. But on January 23, 1856, this resolution was repealed "because of objections to the expense".[28] Two days later the Americans introduced a measure to select a Catholic chaplain. The Democrats

[27] *Ibid.*, March 26, 27, 1856; *Sugar Planter*, March 29, 1856.
[28] *New Orleans Daily Crescent*, Jan. 29, 1856.

could have blocked it had they not feared the Catholic vote, so it carried with some opposition. The Know Nothings contrasted their favorable attitude toward the Catholics with Democratic hostility: "Before the election our Democratic friends were extremely attached to Catholicity and all who belonged to that peculiar persuasia, and abused their opponents as intolerant and uncompromising enemies of Catholics and Catholicism. Circumstances however alter cases. Now that they have no more to hope for by their hypocritical fawnings upon a particular religious denomination they throw off the mask and appear in their true colors. So goes the world, particularly the political world."[29]

The Americans soon found that they had bitten off their own nose to spite their f ce. In appealing to the Catholics they had aggrieved the Protestants. After several attempts a resolution was passed authorizing the speaker to appoint the chaplain—the election of Father Laney being a mistake. The Americans then patted themselves on the back again—another demonstration that the party favored no religious discrimination.[30]

The career of the Louisiana American Representative in Congress, George Eustis, Jr., also caused political discussion in the state. The session of 1855-1856 opened with a contest over the speakership. The 'Black Republicans' publicly announced that they would not associate with that portion of the American party that endorsed the Philadelphia platform.[31] The Democrats refused to cooperate with the Americans, and to the chagrin of southern Know Nothings, N. P. Banks of Massachusetts was elected. On the one hundred and thirty-three ballots taken, Eustis supported five different men, but never voted for Banks.[32] The Louisiana Democrats insisted that the abolitionist was elected by southern Know Nothing votes, which made the Americans indignant.[33]

On January 5, 1856, Eustis spoke briefly on the policy of Americans of Louisiana.[34] Two days later he made the only important speech of his quadrennium in Congress. This was in reply to an attack by a Mississippi representative who asserted that Louisiana Americans were anti-Catholic. "We hold Sir, in

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[29] *Ibid.*, *Sugar Planter*, Feb. 2, 1856.

[30] *Journal of the House of Representatives*, Louisiana, 1856, p. 13; *New Orleans Daily Crescent*, Feb. 1, 2, 1856.

[31] Baton Rouge *Weekly Comet*, Dec. 23, 1855.

[32] *Cong. Globe*, 34 Cong., 1 sess., pt. I, pp. 3-336; *National Intelligencer*, Feb. 5, 1856.

[33] *Sugar Planter*, quoting the *New Orleans Bee*; *Southern Sentinel*, Feb. 9, 1856; *Opelousas Courier*, March 7, 1856.

[34] *Cong. Globe*, 34 Cong., 1 sess., pt. I, p. 152.

Louisiana, and we hold it as a cardinal maxim—and I hope to God that it will be so held in every state of this Union—that religious faith is a question between each individual and his God, and we consider that any attempt to abridge or circumscribe religious freedom is unworthy of our great country, and must be repudiated by every party in the country. We consider that it is a violation of the organic laws of the land; and in that spirit the American Party in Louisiana repudiated the eighth article of the Philadelphia platform: that is to say, that the construction which they place upon it could not be considered as offensive as against American Catholics, and therefore as inoperatitve and innocent as against that class of our citizens . . . Let us look at what took place in the state of Virginia during the last state election. What was the construction which the American candidate for Governor of that state placed upon the eighth article of the Philadelphia platform? We all know that in the early part of his canvass, that candidate published a letter in which he said he never would vote for a Catholic. Thank God, that gentleman was defeated, and, sir, he ought to have been defeated. There was enough in that letter to defeat ten thousand candidates for Governor; and I trust that every man who holds such odious and monstrous doctrines, will ever meet with as deep a political grave as the honorable gentleman, the American candidate for Governor of Virginia, has met with . . . I will undertake to show to this house, if they will examine the eighth article of the Philadelphia platform, that they will find that it means nothing; because the cardinal principle—the great principle, according to my understanding—of the American platform is this; that none but native-born Americans should be elevated to office; therefore, if none but native-born Americans are to be elevated to office, *all* foreigners are excluded, foreign Catholics are excluded, foreign Protestants are excluded, and foreign Jews are excluded. And they are not excluded on account of their birth".[35] He concluded with a defense of the American Catholics and denied, though he himself was not a Catholic, that any temporal allegiance was owed to the Pope. His speech required several extensions of time. The Democrats seemed to enjoy it as a family quarrel among the Americans.

Eustis was a regular on all party measures. He served on the Commerce Committee and reported several bills. In Feb-

[35] *Ibid.*, 34 Cong., 1 sess., pt. I, pp. 156-157; Cluskey, *op. cit.*, pp. 281-283; *Sugar Planter*, Jan. 26, 1856; *Southern Sentinel*, Feb. 2, 1856; *Opelousas Courier*, March 29, 1856; *New Orleans Daily Crescent*, Jan. 19, 24, 1856.

ruary, 1857, he spoke upon the proposed reduction of the sugar tariff. He asked, "Why is it, while every known branch of industry—every species of manufacture in our country receives the protection of this government, that the manufacture of sugar is attempted to be placed on any different footing from any other . . .? Upon what grounds do you pretend to hold in different estimation the spinners of Lowell, the shoemakers of Lynn, the iron foundries of Pennsylvania, the planters of Louisiana, the farmers of Kentucky in your application of the protective system?"[36]

When the Lecompton Constitution came before Congress,[37] a Pennsylvania representative, Montgomery, moved by amendment that it should be submitted to a popular vote of the people of Kansas. If accepted, the President should proclaim it a state, if not accepted Kansas would be required to wait until the population had reached the required number. Eustis opposed this motion as did the three Democratic Louisiana representatives.[38] He and his Democratic colleagues in the House voted for the compromise English Bill.[39] In 1859 he left the party and was therefore not returned to his seat.

The speech that Eustis made in the House on January 7, 1856, caused the Louisiana State Council to appoint him as a delegate to the Philadelphia Convention.[40] The delegates did not know whether they would be admitted, as some of them were Catholics.[41] Upon arrival they asked that immediate action be taken on the question of their admittance. "This motion", wrote a newspaper correspondent, "produced considerable discussion. Objection was made on the ground that the councils of the state of Louisiana were not recognized by the National Council, and that, not conforming in its principles and practices to the National Platform, it was not a member of the national body. Various views were expressed favorable and adverse to the proposition . . . Mr. Eustis, one of the delegates, then addressed the Convention. He said the state and subordinate organizations of Louisiana were simply and purely native American, and that while they repudiated the Eighth section of the Philadelphia Platform,

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[36] *Appendix* to the *Cong. Globe*, 34 Cong., 3 sess., pp. 281-285; *New Orleans Daily Crescent*, Feb. 23, Aug. 22, 1857.

[37] Rhodes, *op. cit.*, vol. II, pp. 299-300.

[38] *Cong. Globe*, 35 Cong., 1 sess., pt. II, p. 1437.

[39] *Ibid.*, 35 Cong., 1 sess., pt. II, pp. 1905-1906; *Journal of the House of Representatives*, 35 Cong., 1 sess., p. 719.

[40] Baton Rouge *Weekly Comet*, Jan. 20, 1856.

[41] *National Intelligencer*, Feb. 21, 1856.

they adhered mainly in every other particular to the principles of the great American party, denying and protesting against any allegiance to any temporal power except that of the states and the United States. . . . He declared that he could not and would not, give his adhesion to the National Council if the Eighth section was retained. . . . He read the ritual of the subordinate organization of the state of Louisiana and showed that, while it admitted those to membership who professed the Roman Catholic religion, it required of them the denial of allegiance to any temporal authority not cognizable in the state and United States Constitution, and from each a solemn pledge that not under any circumstances would they divulge the secrets of the order to any persons."[42] After a two hour debate the Louisiana delegation[43] was admitted by a vote of 66 to 50.[44]

The convention had two major problems to solve in drawing up a new national platform. Should the Eighth section (the Catholic test) of the June platform be abolished so Louisiana could cooperate? And should the Twelfth section (the pro-slavery clause) be repealed so as to bring back the northern seceders? Louisiana gave three votes against abandoning the old platform and one for that course. When the new platform was adopted her delegates gave three votes against it and one for it.[45] The Twelfth section was repealed[46] by a vote of 104 to 65 and a new platform adopted.[47] However, the section which replaced it still gave the northern members dissatisfaction,[48] and 40 delegates withdrew, partly because of the slavery question and partly because Louisiana's Catholic delegation was admitted.[49]

Fillmore was nominated for the presidency on the first ballot[50] and Donelson for the vice-presidency. Delegates from Louisiana and other southern states supported the nomination of Fillmore. It was thought that if he were not chosen by the electoral college, the election would be thrown into the House of Representatives where he would have an excellent chance.[51]

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[42] *Ibid.*

[43] The following day a contestant appeared for a seat as a Louisiana delegate. An attempt was made to repeal the previous decision but this failed and the contestant was given his seat also.—*New Orleans Daily Crescent*, March 1, 1856.

[44] *Ibid.*, Feb. 21, 28, 1856; *National Intelligencer*, Feb. 21, 1856.

[45] *National Intelligencer*, Feb. 25, 1856.

[46] *Ibid.*, Feb. 23, 1856.

[47] See Appendix D.

[48] *Harper's New Monthly Magazine*, vol. XII, p. 690 (April, 1856).

[49] *Southern Sentinel*, March 15, June 21, 1856; Brand, *loc. cit.*, No. III, p. 269.

[50] *Harper's New Monthly Magazine*, vol. XII, p. 690 (April, 1856).

[51] Cole, *op. cit.*, pp. 323-325; *Southern Sentinel*, March 1, 15, 1856; Baton Rouge *Morning Comet*, March 16, 1856.

Throughout the early history of the American party in Louisiana the opposition attacked its secret ritual and organization by innuendo. The Know Nothings felt this a decided disadvantage and chafed[52] at the untrue charges brought against them. Of course, the organization and ritual were only semi-secret after a few months for Democrats obtained copies of the ritual and heard whispers from members whose consciences were not hurt by breaking the oaths of secrecy.[53] The *Crescent* especially longed to throw off covert methods. It admitted the authenticity of the ritual of the Vermillion lodge which had fallen into Democratic hands. It challenged the *Courier* to print the ritual and not to make false allegations of what it contained. The *Courier* absurdly refused to "further the cause of the Know Nothings by publishing their literature".[54] The *Crescent* asserted that the real reason was that the Democrats knew that publication "would kill all their propaganda and lies" and announced that at the next meeting of the State Council it would seek permission to publish the ritual.[55] However, the next meeting of the State Council made plans for the abandonment of all secrecy[56] so the ritual was never publicly printed.

On March 22, 1856, newspapers announced a meeting of the American State Council. All the subordinate councils were requested to send delegates.[57] The council met and on April 8 resolved, "that all secrecy, obligations, signs, grips, and passwords of the Order shall now be abolished."[58] The Council then made plans to dissolve itself on June 16, 1856, the day the state convention met, and return its power and authority back to the constituent lodges.[59] The convention was held in the hall of the House of Representatives in Baton Rouge, with 273[60] delegates present.[61] Glendy Burke, Joe O. Nixon, J. W. Elam and W. Waddill, the presiding officers, were prominent members.[62]

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[52] The American members of the state legislature met and passed a resolution requesting the party to abolish secrecy.—*Sugar Planter*, March 15, 1856.

[53] *Southern Sentinel*, April 26, 1856; *Opelousas Patriot*, April 5, 1856; *New Orleans Daily Crescent*, April 14, 1856.

[54] *New Orleans Daily Crescent*, Aug. 17-Sept. 6, 1855.

[55] *Ibid.*, Aug. 21, Oct. 31, 1855.

[56] Baton Rouge *Weekly Morning Comet*, Jan. 20, 1856.

[57] *New Orleans Daily Crescent*, March 22, 1856.

[58] *Ibid.*, April 10, 1856.

[59] *Ibid.*, June 14, 1856.

[60] *Opelousas Patriot*, June 28, 1855.

[61] *The Sugar Planter*, June 21, 1856, listed delegates as present from only twenty-five parishes, but it is evidently in error as it failed to mention several parishes known to have had representation.

[62] *Ibid.*

A series of resolutions were drawn up. The first cordially ratified the Philadelphia Platform and endorsed the nomination of Fillmore and Donelson. The second provided for the appointment of a new state Executive Committee consisting of one member from each parish except Orleans which was to have ten, six members to be a quorum. The third and fourth recommended the formation of new parish committees[63] with sub-electors whose duty it was to canvass each parish thoroughly and to make reports through the parish chairman to the state executive body. The last two resolutions read, "*Whereas*; it has been declared by the National Council, as well as by the State Council, that the organization as heretofore existing be abolished—*Resolved*, as the sense of this Convention, that whatever occasion there may have existed for secret organization, the necessity for it no longer exists, and it is hereby declared abolished, with all its consequences.

> "*Resolved*, that in political affiliation we reject none, whether native or foreign whose judgment and sympathies are with us upon the principles we seek to inforce, believing that all interests will be promoted in the end by our success."[64]

An innovation entered the election for city officials in New Orleans. On March 17, 1856, an "Independent Ticket" was nominated for Mayor, Treasurer and other municipal offices.[65] The Know Nothings opposed this, though many may have lent it their support believing that it was non-partisan and would give New Orleans the much needed reform. There was little interest manifested before the election took place.[66]

On the day of the election both parties were responsible for an outburst of rioting and violence at the polls.[67] The Democrats blamed the whole difficulty upon the Americans, who admitted that they had participated in the riots, but maintained that both the American and Democratic rioters should be censured. They asserted that "the real responsibility of the onus of riotings at the polls lies with those who commenced the difficulties. *They* are the real authors of the disturbances. If you strike at a man

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[63] This convention also called six electoral district conventions to be held in New Orleans (two), Thibodaux, Opelousas, Baton Rouge, and Minden.—*Southern Sentinel*, May 3, 1856.

[64] *Sugar Planter*, June 21, 1856; *Southern Sentinel*, June 21, 1856; Baton Rouge *Weekly Morning Comet*, June 22, 1856; *New Orleans Daily Crescent*, June 13, 18, 1856.

[65] *New Orleans Daily Crescent*, March 18, 31, 1856; Baton Rouge *Weekly Morning Comet*, June 8, 1856.

[66] *New Orleans Daily Crescent*, May 7, 1856.

[67] Baton Rouge *Weekly Morning Comet*, June 4, 1856.

in the street, that man, if his is not a white livered poltroon—will strike back, may pursue and whip his assailant—may in the furious excitement engendered by an intolerable outrage, draw weapons and take life. These acts are all contrary to law. Yet would public sentiment stigmatize and punish the insulted individual as a ruffian and a murderer, and hold the other of the affray harmless?"[68]

This election gave the Americans, for the first time, complete control of all branches of the city government. Only two places on the entire ticket—two assistant aldermen—fell to the Democrats.[69] About 7,500 votes were cast with an American majority of 2,500. The total was exceptionally low. The Democrats charged that this was due to violence at the polls. The Know Nothings explained it by saying that 1,000 voters were absent from the city on account of the unhealthful season of the year, that about 1,500 anti-Slidellian Democrats had refused to support the 'machine candidates,' and that 1,000 naturalized citizens refused to participate because they realized that the policy of the Democrats was to use their votes but withheld the spoils.[70]

Success in other local elections cheered the Know Nothings during the early months of 1856.[71] There was a political lull throughout the state during the summer. American candidates were in the field but had no opposition as the Democrats were awaiting the results of the Cincinnati Convention. The Americans realized the seriousness of the campaign and attempted to use the time to advantage in strengthening their party organization.[72] Meetings to endorse the Philadelphia and state platforms were numerous.[73] In a few instances Whig assemblies endorsed Fillmore and Donelson.[74] In May Senator Benjamin received a few coals of fire upon his head when he formally announced that he had become a Democrat.[75]

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[68] *Ibid.*

[69] *Ibid.*, May 26, June 5, 1856; *Southern Sentinel*, June 7, 1856.

[70] *New Orleans Daily Crescent*, June 5, 1856.

[71] Thibodaux, Washington, St. Landry parish, and Minden were examples of these victories.—*Sugar Planter*, May 3, June 21, 1856; *Opelousas Courier*, May 19, 1856; *New Orleans Daily Crescent*, May 7, 1856.

[72] *New Orleans Daily Crescent*, April 28, 1856.

[73] Baton Rouge *Weekly Morning Comet*, July 16, 1856; *Ibid.*, July 23, 1856, quoting the *Clinton Patriot*, July 15, 1856; *New Orleans Daily Crescent*, Aug. 21, April 14, 1856; *Opelousas Patriot*, April 5, 1856; *Sugar Planter*, March 15, August 16, 1856.

[74] Baton Rouge *Weekly Morning Comet*, July 20, Sept. 7, 1856; *New Orleans Daily Crescent*, Oct. 13, 14, 1856.

[75] The Americans said he had been bought and paid for before, this statement was merely the receipt.—*New Orleans Daily Crescent*, May 12, 1856.

The Know Nothings rapidly effected the new plan of organization. In some cases, as in New Orleans, the executive committee called meetings[76] to organize clubs, but most were called by local leaders. The majority of these clubs went by the name of 'Fillmore Rangers', 'Donelson Club' or 'Fillmore and Donelson Club'. They were not dry discussion groups of grey-beards, but were centers of interest for men, young boys and even women.[77] Parades, processions, military drills, bands, picnics, flag raisings, fireworks, and political harangues by local and imported talent, all helped to raise enthusiasm. Some of the clubs met weekly, some fortnightly.

Many of the flag raisings were elaborate affairs. The following news letter gives a graphic description of one in St. Mary parish:

> "Centreville, Louisiana, Sept. 24, 1856.
>
> "Editor Crescent:
>
> "The American party have had a heart-warming time in our village . . . . to-day the American party here erected one of the tallest and most beautiful liberty poles and flung to the breeze the star spangled banner of American independence, inscribed with the glorious names of Fillmore and Donelson! It was a lovely day, and the yeomanry for miles around gathered into town. The ladies too, God bless them, turned out in a strong delegation, to honor the occasion with their presence.
>
> "Adolphus Olivier Esq., our great champion of American principles—the young Demosthenes of Louisiana, made one of his most beautiful and telling speeches on the occasion and for the space of an hour and a half held his audience spellbound by his eloquent appeals in behalf of American men and American measures . . . .
>
> "The pole, one hundred feet in height, was ornamented at its summit with a green cedar about ten feet in height, with all its branches richly festooned with beautiful flowers, which gave it the appearance of a cedar blooming with the richest roses.
>
> "This cedar was the growth, in part of New York soil, having been transplanted here from that state when a small plant. We had thus a beautiful blending of the North and South! A pole the growth of Louisiana surmounted by a cedar from New York!

[76] *Ibid.*, Aug. 6, 1856.

[77] *Ibid.*, Sept. 16, Oct. 13, 19, 27, 1856; *Southern Sentinel*, Sept. 20, 1856; *Sugar Planter*, Sept. 13, 1856.

> "And thus, by a union of the North and the South, we expect to triumph in the pending contest, and thereby elevate that great friend of the American Union, Millard Fillmore, to the Presidency. 'Union for the sake of Union' and all must be well."[78]

Another Shreveport account read: "On Saturday afternoon, the Red River American Boatmen's Club erected a beautiful flag staff, 130 feet high, at the corner of Texas and Market streets, and unfurled to the breeze the starry banner of our country. In the evening they formed a torchlight procession headed by the miniature man-of-war, 'Old Ironsides', decked out with the national flag, union jack pennant and streamers, and armed with a cannon, forged for the occasion by the stalwart arms of American engineers and blacksmiths. After marching through Texas, Edwards and Market streets, the procession halted in front of the City Hotel, where, in the presence of a large concourse of citizens, Mr. W. H. Mitchell, President of the American Boatmen's Club, presented to the President of the Fillmore Club a handsome silk banner, embellished with a portrait of the 'Father of His Country', accompanied with the following remarks . . . in victory or defeat, we will ever be found fighting in the cause of our common country—for Fillmore, for Donelson, and the Union."[79]

The American party was decidedly pro-Union in sentiment. Every club included in its resolutions approval of the continuance of the Union. Most, also, bitterly condemned squatter sovereignty, which was then the current question. The Fillmore Rangers of New Orleans "*Resolved*, That it is the duty of every lover of the Union, to stand by it in this dark hour of trial, to protect it from the efforts of sectionalism.

> "*Resolved*, That in the language of General Jackson, and at all hazards, 'The Union must and shall be preserved.' "[80]

Over five hundred young men of New Orleans signed a set of resolutions which read in part, "There is a crisis in national affairs. The existence of the Union is involved in it. Party spirit . . . . has been inflamed . . . . The whole land is torn with

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[78] *New Orleans Daily Crescent*, Sept. 27, 1856.

[79] *Ibid.*, Sept. 8, 1856.

[80] *Ibid.*, Sept. 27, 1856, quoting the *Monroe American Union*, Sept. 17, 1856.

dissension and discord . . . . Misguided and fanatical zealots endeavoring to kindle sectional animosity and to foment jealousies and heart burnings between the different parts of the country, seek to create a southern party as opposed to a northern party and desire an administration for the south as against the north. The time demands an enlarged and enlightened patriotism, a conservative and, at the same time, comprehensive national policy. The Constitution must be observed in its true spirit . . . . The national honor must be preserved unsullied; the Union consolidated."[81]

Having over a third of the white population of the state within its limits New Orleans did things on a large scale.[82] Every ward had its club and some had several, each of which had an appropriate name. A series of ten large rallies in the fall of 1856 received glamorous accounts in American newspapers. Political campaigning in the fifties was a colorful affair as the following account of the 'Seventh Grand Rally of the Fillmore Rangers' shows. "The sun shone out brilliantly during the day, and in the evening Dame Luna showered down her most benignant smiles. As a consequence, the city throbbed spontaneously and very soon Odd Fellows' Hall was the centre of a surging vortex of humanity.

"The clubs rallied in all the might and more than the splendor of their previous rallies, and the arrival of several new clubs added to the charm and novelty of the spectacle. The trim and elegent Union Club was the first in the field, as usual. Then came a band of patriotic youths, under the title of the Crescent Club. Next came the gallant Donelson Club bearing at its head a beautiful white satin banner with appropriate inscriptions, a present of a young lady, which they had received but an hour previous . . . . In due time arrived the brilliant Creole Clubs of the Second District, with their gorgeous banners and transparencies—the 'Constitution', the 'National', and the 'American'. Shortly afterward the delegation of the glorious Old Third came rolling in with Web Long at their head—the sturdy Pelican Men, with their telling pictures and mottoes, followed up by a new club that created a marked sensation—'Nab's Rough and Ready Club', a band of noble looking young men, with red caps on their heads . . . . The Rough and Readies were followed by the 'Junior Pelican Club' . . . . the Junior Fillmore Rangers were present as usual . . . .

[81] *Ibid.*, Aug. 20, 1856.
[82] *Ibid.*, June 30, 1856.

"During the filling up of the hall the brass band in the gallery discoursed patriotic melody, and our popular friends of the Glee Club—gave the song of 'Red White and Blue' . . . . The proceedings opened with the song of 'Eighty Years Ago' by the Glee Club . . . . The President introduced the orator of the evening, Hon. George Eustis, Jr. . . . the meeting adjourned and poured out into Lafayette Square, as usual to form into procession. This as a matter of course, broke up the moonlight mass meeting in the street, which Dr. Harmon had for some time been addressing with his usual vigor.

"In due time the procession was formed and under way. On this occasion the Rangers at large, or those who do not belong to the Clubs, and who always head the processions, turned out with a beautiful and tasteful illumination of thirty-one transparencies, one for each State of the Union with the name of the State painted over the picture of the stars and stripes, and the inscription, 'Fillmore Rangers' on the rear of each. These, with the handsome banner of the Old Rangers . . . . added, not a little to the brilliancy of the first division of the procession. The Clubs followed in regular order . . . . It is enough to say that it was seen at a distance, an undulating line of variegated fire—a streak of sunrise in a rainbow robe with a beginning but no end to speak of—paling the moon and crimsoning the streets, accompanied with the glitter of banners and the swell of music causing the houses on the line of march to sparkle with beauty."[83]

In this campaign anti-foreign propaganda was not of primary importance, although the Irish were still condemned and the immigration evil was discussed. More attention was given to the German immigrants. Country parishes saw danger from the "Sag Nicht demogogues" and protested against German anti-slavery belief, especially that in the north.[84] Some New Orleans Americans took pains not to alienate the Germans, but praised them as "they are neither *idlers*, nor loafers, nor whiskey-drinkers. They are industrious . . . they are frugal and they are comfortable in their circumstances. The denunciations of the American party by the Irish can never excite the Germans to act against their best friends."[85]

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[83] *Ibid.*, Oct. 13, 1856.

[84] *Sugar Planter*, Aug. 9, 1856; *Ibid.*, Aug. 2, 1856, quoting the *New Orleans Creole*, which stated that the *New Orleans Staats Zeitung* supported Buchanan, and the other German paper, the *Deutche Zeitung*, was for Fremont; *Southern Sentinel*, July 5, 1856; *National Intelligencer*, Feb. 23, June 17, 1856; Baton Rouge *Weekly Morning Comet*, Feb. 24, 1856; *New Orleans Daily Crescent*, Oct. 24, 1856, quoting the *Clinton Patriot*, Oct. 18, 1856.

[85] *New Orleans Daily Crescent*, May 31, 1856.

The Democrats again used to advantage the old cries of 'anti-Catholic discrimination', 'anti-naturalized citizens', and 'abolitionist affiliations'.[86] A stock argument was the assertion that a vote for Fillmore was a vote for Frémont as Fillmore had no chance. As Americans in Louisiana, as well as the Democrats, regarded Frémont as the greatest possible evil, this argument was very effective.[87] Democratic papers, especially those of New Orleans, seldom published an issue without stating that Know Nothings were murderers, thieves, thugs, orphan killers, brass knucklers, midnight assassins, widow makers, rowdies, bullies, plug uglies, drunkards, house burners, dark-lantern men, ballot box breakers, rioters, et cetera. They charged that since the rise of the Americans no free election had been held in New Orleans, and that the Know Nothings could only win an election by brute force, murder, and corruption. All this the Know Nothing papers,[88] ably led by the *Crescent*, denied vehemently.[89]

The Democrats claimed that they could not obtain justice at the polls except by a show of force. For several days just before the election, the Democratic State Executive Committee published a notice in the *Courier* which called upon members of the party to enroll in every precinct and to march in a body to the polls to see personally that no Democratic vote was turned down,[90] Another Democratic paper, printed in French, said: "If, in fact, instead of going one by one to the polls, like sheep go to the slaughter house, the naturalized citizens get into their heads to prepare the least organization, if they only agree to vote together by street or ward, if they unite in arms at a given hour, as the military companies do on parade day, and if from thence they go together to the polls who can determine a doubt to their entire security?" [91]

The Governor attempted by proclamation to place the sole control of peace and order in New Orleans during the election upon the sheriff, but the mayor answered that it was his sworn duty to see that peace was kept, and scoffed at the Governor's threat

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[86] *Sugar Planter*, Oct. 18, 25, 1856; *Ibid.*, Oct. 11, 1856, quoting the *New Orleans Bulletin*.

[87] *Southern Sentinel*, April 26, 1856; *New Orleans Daily Crescent*, Sept.-Nov., 1856, *passim*.

[88] The papers supporting the American party in 1856 were, *New Orleans Daily Crescent; New Orleans Creole; New Orleans Bulletin; New Orleans Bee; L'Avant Courier*, St. Charles parish; *Thibodaux Minerva; Marksville Organ; Monroe American Union; Shreveport Southwestern; Young America*, Bonnet Carrie; *Franklin Banner; Clinton American; Sugar Planter*, West Baton Rouge parish; *Southern Sentinel*, Plaquemine; *Jefferson Journal; Opelousas Patriot;* Baton Rouge *Weekly Morning Comet;* and others.

[89] *New Orleans Daily Crescent*, Aug.-Nov., 1856, *passim*, and others.

[90] *Ibid.*, Oct. 24-31, 1856.

[91] *Ibid.*, March 24, 1856, quoting the *Populaire*.

to set aside the New Orleans vote under certain circumstances.[92] Just a few days before the election the mayor ordered the office of the *Courier*, the leading Democratic paper, to be searched for arms. A large quantity were found and seized. The Americans claimed that these were to arm rioters to attack the polls. The *Courier* maintained that they were for defence only.[93] Upon sworn affidavits the Charity Hospital was also searched—fruitlessly. As this institution was run by Catholic sisters, the Democrats immediately circulated wild stories about discourtesy and rudeness to the nuns.[94]

The election itself in New Orleans was much quieter than usual, although this did not mean that there was a reign of peace. Other sections of the State made minor complaints of no importance.[95] The Americans lost the election by about 1,400 votes—a narrower margin than that of the previous year. The First Congressional District gave an American majority of 1,431, the Second gave an American majority of 2,027, but the Democratic majorities in the Third and Fourth Districts more than turned the tide. Geographically the strength of the Americans was centered in the few but influential lower parishes on the western side of the Mississippi river.[96]

This election was the supreme effort of the American party in Louisiana,[97] as it was of the national organization also. Although the Americans polled 25% of the popular vote of the nation, the fact that the party received only 2% of the electoral vote made it appear to many that there was no hope of it succeeding nationally.

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[92] *Ibid.*, Nov. 3, 1856.
[93] *Ibid.*, Nov. 9-14, 1856.
[94] *Ibid.*
[95] Baton Rouge *Weekly Morning Comet*, Nov. 2-9, 1856; *Southern Sentinel*, Nov. 8, 1856.
[96] Baton Rouge *Weekly Gazette and Comet*, Nov. 21, 1856.
[97] Cluskey, *op. cit.*, p. 209; *Harper's New Monthly Magazine*, vol. XIV, p. 402 (February, 1857).

(To be Continued)

RAPIDES PARISH, LOUISIANA—A HISTORY

By G. P. WHITTINGTON

FOURTH INSTALLMENT

(Continued from April, 1933, Quarterly)

CHAPTER VI

1810-1830

THERE was approved on February 20, 1811, by the President of the United States, "An Act to enable the people of the Territory of Orleans to form a Constitution and State Government, and for the admission of such state into the Union on an equal footing with the original States, and for other purposes." This act provided the territory to be included within the new state; those who should be qualified to vote in the election of delegates to the Constitutional Convention; the maximum number of delegates or members the Convention should have; that the election of delegates should take place on the 3rd Monday of September, 1811, and that the Convention should meet on the 1st day of November following. It also provided what the Constitution should and should not contain.[48]

The Legislature provided for the election to select delegates to be held on the 3rd Monday of September, 1811, and two days following. The polling place was designated as the Court House in Alexandria. The election was to be under the supervision of the Parish Judge, and the number of delegates to be sent from Rapides was fixed at three.[48½]

The men named to represent Rapides were Levi Wells, John Hall and Thomas F. Olliver.

More is known of Levi Wells than either of the other delegates. He was born in what is now St. Landry Parish, near the present town of Opelousas, when Louisiana was a French Province. His parents were natives of South Carolina. Wells moved to Rapides in the latter part of the 18th Century. He had

[48] Thorpe (F. N.) American Charters, Constitutions and Organic Laws 1492-1902. Vol. 2. Under Louisiana. Also printed in the Laws of the Territory of Orleans, 1811, pp. 218-226.

[48½] Chapter XXIX, Laws of Territory of Orleans, pp. 124-130.

acquired a certain knowledge of surveying and had been employed under the Spanish Domination in surveying out and locating grants made to settlers. He was the surveyor employed by Miller and Fulton to establish the lines of the land they acquired from the Indians on Bayou Boeuf, and for that service received one-ninth of the land. Now, being the owner of a large tract of the most fertile land in the parish, he became a cotton planter on a large scale. After Louisiana was admitted to the Union, Wells was elected as one of the members of the House of Representatives and served from 1812 to the time of his death. He was one of the members of the Legislature, whom General Jackson refused to permit to assemble in 1815 during the time of the English Invasion. Wells said he attempted to enter the building where they usually met, but a soldier stationed at the front door threatened to use his bayonet on him if he insisted upon entering the building, and this caused him to change his mind.[49]

John Hall, from what can be learned was from that part of Rapides which now forms the parishes of Catahoula and LaSalle, or east of Little River. After the parish of Catahoula was created he was appointed by the Governor to the office of Sheriff, which position he held until his death in 1816.

Thomas F. Olliver, the other delegate, was from the section later created into Avoyelles. He had served as a member of the Territorial Legislature of 1810-1812, as a representative from Rapides. After Avoyelles was made a separate parish, he was honored with the position of Parish Judge. No further information relative to this man can be obtained.

The Convention, after some delay awaiting the arrival of delegates, met in New Orleans and adopted a Constitution for the new State of Louisiana. The instrument adopted was modelled after the Constitution of Kentucky, and is almost an exact copy. Congress on the 8th of April, 1812, passed an act approving the Constitution adopted and admitting the State of Louisiana into the Union as a Sovereign State.[49½]

Under the provisions of this Constitution the Governor had the appointing, with the advice and consent of the Senate, of all judges and sheriffs. Their term of office was to be during good behavior.

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[49] Jackson and the Louisiana Legislature, 1815. La. Hist. Quarterly, Vol. 9, pp. 221 et seq. The Senator from Rapides was Hatch Dent, was chairman of the joint committee, appointed by the House and Senate to investigate the causes of the military measures.

[49½] But the admission was to date from and to take effect on and after April 30, 1912. U. S. Statutes at Large 2, p. 701, Sec. 6.—Ed. *La. Hist. Qy.*

The 6th judicial district was composed of Rapides, Natchitoches and Avoyelles and the first judge was Josiah Stoddard Johnston of Alexandria. Stephen Lewis Wells was the sheriff. Hatch Dent was State Senator; Thomas F. Scott and Levi Wells were the representatives. The names of the Clerk of the Court and other minor officials of that year cannot be found.

During the winter of 1811-12, the Mississippi Valley felt the effects of an earthquake. The first shock felt in Rapides was on the morning of December 16, 1811. This shock was very severe and was generally noticed. The next occurred on January 23. The last quakes were on the 7th of February, 1812, one at 3 A. M., and the other that night at 9 P. M. No damage to property or life was reported.

The growth of the parish from 1810 to 1830 is best shown by the United States Census of 1810-20 and 30. In 1810 the enumerator returned 996 whites, 123 free persons of color and 1081 slaves. In 1820 the number had increased to 2491 whites, 85 free persons of color and 3487 slaves, and in 1830 there was some 3113 whites, 113 free persons of color and 5329 slaves.

The period between 1800 and 1830 was a time of great development, a veritable boom in immigration of farmers. Great numbers came to the valley of Red River seeking new homes, good lands that could be purchased or acquired cheap. The virgin forest along the principal water courses was cut down and burned to make way for the great cotton plantations that soon followed. Land speculation ran riot. Slaves in large numbers were brought into the parish and sold on terms of credit, mortgages being taken as security on the slaves, the plantation, the farming implements and live stock.

Cotton was the staple crop. In 1821 the price quoted in the local paper was 25 cents per pound for strict middling, and scaled down for the lower grades. This high price and the large crops produced on the new land, and the ease with which the crop was made, gave people an erroneous idea of the value of lands and lead them to incur debts that in time they were unable to pay. The day of reckoning came between 1826 and 1828. The mortgages came due, the price of cotton had declined, an overflow had destroyed all of the crops and an epidemic of yellow fever had visited the country and many planters had contracted this fever with fatal results. Foreclosures were the order of the day. An examination of a file of a newspaper of that date, published in

Alexandria, shows that what had been a journal of some four pages bringing the news of the world had now become a paper of eight pages, two of the pages devoted to news and advertisements of the local merchants, the other six pages were covered with judicial advertisements of sales of land, slaves, live stock, chattels of all kinds and in some instances the growing crops. Many of the planters were reduced to poverty and compelled to go West seeking cheap lands upon which they might make a new home for themselves and families. Some found homes in the hills of the west, others passed on across the Sabine to Texas then a part of Mexico.

The lands along Red River from the Natchitoches line to Avoyelles had been cleared and placed in cultivation, so had the acres that front upon Bayous Rapides, Robert, Boeuf and Lamourie. The alluvial lands of Rapides had become a land of plantations of large dimensions, owned and operated by the owners of slaves.

During the decade of 1820-1830 the planting successfully of sugar cane for the making of sugar, along the river and the bayous of this section, had its beginning. One of the early planters of this crop was Major Isaac Thomas and another was Josiah Stoddard Johnston. In a few years a number of mills were to be found along Bayous Rapides, Robert and Boeuf and as high up Red River as the present Colfax. The manufactured sugar and molasses were brought by wagon to Alexandria to be shipped to market by boat.

The planter and his family lived on the plantation during the fall, winter and spring, but with the coming of the hot days of summer, the family was moved to the pine woods where a summer home had been provided. Only the head of the family, a manager, if he had one, and the grown slaves were left at home. Those who lived along the river moved to the hills of what is now termed the north side of Red River, while the planters who lived on the bayous found summer homes in the hill section of the western part of the parish. An examination of a map of that section will show creeks with the surnames of old families who lived along the bayous and who had their summer homes upon these creeks. Each year this section was visited with a very virulent type of fever. Some years yellow fever came to add to the scourge. The way to combat this annual return of malaria had not then been discovered. Doctors were few and their training was very limited.

In 1823, the valley of Red River was visited with a most destructive flood. It was said to have been the most disastrous since the coming of the white people. The flood waters reached from hill to hill. All of the low land was inundated and the people had to abandon their homes and seek safety in the hills. All crops were destroyed and when the water receded it was too late to grow a money crop. In those days the river, which was about one half its present width, was not controlled by levees with the result that the flood waters swept over everything in the valley of the river and bayous.

This disaster was followed by a scourge in the form of an epidemic of yellow fever. It was particularly hard upon the poor people who lived in Alexandria and along the bayous and could not escape from the mosquito infested section of the parish. The deaths, however, were not entirely confined to these people, for among others who fell victims was William Fristoe, the Sheriff. Fristoe had held this office for more than ten years and was the owner of a large plantation on Bayou Rapides about eight miles from the Court House.

The farmers had scarcely recovered from the former disasters of floods and fever when they were made to suffer again. In 1828 Red River again went on a rampage. The flood stage exceeded that of 1823. Few spots could be found that were not covered by the water of the river. After this flood an effort was made to construct a levee along the river from Alexandria south. The planters above the town attempted to work out their own salvation. There were no levee districts and the state did not assist in this work.

Norris Wright, a member of the firm of Hynson and Wright, was appointed as Sheriff to succeed William Fristoe. Wright was a director of the local branch bank. He was also the owner of a plantation as well as town property and had been an extensive merchant. He was Sheriff from 1823 to the fall of 1827, when he was killed in the famous Sand Bar Fight of that year.[49]

The next sheriff was Walter Turnbull of the Cheneyville neighborhood. He served one year and was removed from office because he refused to attempt to collect the taxes due the State. The country had been flooded and no crops made, most of the people were without funds with which to pay taxes so he did not try to collect from any one.

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[49] See A History of Concordia Parish by R. D. Calhoun, *La. Hist. Qy.*, Vol. 15, p. 638.—Ed. *La. Hist. Qy.*

Two sections of the parish, the Alexandria community and that around Cheneyville, were dissatisfied with the way the money of the parish was being spent and applied to the state Legislature for a change of government. A novel scheme was adopted. The parish was not divided into two political units, but it was given two police juries, one to meet at Cheneyville and the other at Alexandria. Both sections were compelled to contribute to the Criminal Court expenses of the parish, otherwise they were permitted to spend their revenue as they thought best. After a trial of two years the scheme was abandoned and the act repealed.

For a time the money appropriated each year by the State for school purposes was divided equally between the two sections of the parish. Rapides College was maintained by the Alexandria community and Spring Creek Academy received the benefit of the funds allotted to Cheneyville.

The first polling place was at the Court House in Alexandria, then Cheneyville was added, to be followed by "Some house of Bayou Cotile to be designated by the Parish Judge," and a few years later by Burton Tavern on the Texas Road and the home of John and Thomas Dunham on the Calcasieu, Spring Creek Academy and one on the North side of Red River at the home of Peter Haynes. Subsequently others were added to this list, but these seem to have been the polling places up to 1840 or as long as the Legislature named the places of holding elections.

The story has been told, that when it became evident that Louisiana would be invaded by the British in 1814-15, and the City of New Orleans captured, the State Militia was called out by the Governor. A company of militia was organized in Rapides and this with the companies from North Louisiana formed a Battalion under the command of Major Johnston. These companies were armed with such guns as could be obtained or were owned by the various members of the commands. The story further relates that the only means of transportation available were flat boats which had been provided by the commanding officer. The other expenses were borne by the men themselves. According to the same source, after the battle of New Orleans and the danger of occupation of the state was over, these men together with the company from Natchitoches were brought home on Shreve's steamboat, The Enterprise.

Among the few names of the men said to have been members of this command, are those of Thomas Hooper, Captain S. W. Gordon, Dr. R. H. Sibley, Major Johnston, Horatio Sprigg, Dr.

T. H. Maddox, and Deville. This company arrived too late to participate in the fighting, but their willingness to assist was praised by the Commanding General in his General Order of January 21st, 1815, in the following language:

> "To Volunteers of the Mississippi Territory and the Militia of the remote part of the State, who have arrived since the decisive action of the 8th, the General tenders his thanks and is convinced that nothing but opportunity was wanting to entitle them to the praises that have been merited by the rest of the Army."[50]

During the first quarter of the 19th century there came to this parish a number of men who in time were destined to exert a a great influence over its social, business and political life. Among the number we find the Johnstons who came from Kentucky, lawyers, planters and politicians, Major Isaac Thomas who came from Tennessee, Major Walter H. Overton, later known as General Overton, who was born in Virginia, but came here from Tennessee, Norris Wright, Robert C. Hynson and Dr. T. H. Maddox who were all from Maryland, the first two being merchants. There were also James Bowie who was born in Tennessee, Thomas C. Scott and his brother Charles Scott, Robert C. Crain and the Blanchard Brothers who were from Virginia, Henry Adams Bullard and Timothy Flint moved from Massachusetts to become valued citizens of Louisiana. General Joseph M. Walker as he was known was born in Louisiana (New Orleans) raised in Natchez, Mississippi, and moved to Rapides from Concordia Parish. These were not the only prominent men of this parish during the first twenty-five years of the last century, but those named did leave their mark so indelibly upon the history of the parish that the story of the past cannot be told without referring to them from time to time.

Road districts covering the entire parish were created in 1820. Each district had a syndic who controlled the working of the roads and was named from among the principal planters of each section. A reading of this list gives a fair idea of the names of the leading farmers of each section, as follows: Bret LaCour; Daniel Roberts; Francis Henderson; John A. Texada; Joseph Brown; Alexander Innis; Phillips Taylor; Joseph Walker; Robert A. Crain; Walter H. Overton; Archibald Williams; David Pannell; David Spurlock; John Compton; Wm. Wiggins; H. I. Cheney;

[50] Latour (A. L.) Memoirs of the War in West Florida and Louisiana, 1814-15. Appendix CLXXXVIII. Fortier (A) History of La., Vol. 3, p. 139. This is part of the General order of January 21, 1815. Paragraph 8, line 19.

Joseph Roberts, Jr.; Paul McNeeley; John Holloway; Samuel Tanner; John Babcock; George B. Curtis; George F. Wilkinson; John Litchworth; Thomas Stafford, Jr.; Wm. Tyson; Horatio Sprigg and Henry Bonner.

At a very early date there were settlements along the Calcasieu river around the present Hineston, Elmer and Melder. Many of the people were descendants of planters who had lost their alluvial plantations and had moved to the "hummock" of the western part of the parish.

There was a settlement on Ten Mile and Six Mile creeks. The exact date of the first settlement is unknown. These settlements were in the famous neutral territory established by the Spanish and General James Wilkinson between the Sabine, the Rio Hondo and the Calcasieu. Troops of neither nation were permitted to enter this section.[51]

Many years ago the older residents of this section said that it was the tradition of the early settlers on Ten Mile creek that they were descendants of Portuguese who had been wrecked off the Gulf Coast near the mouth of the Calcasieu and had wandered up into Rapides. Another story was that they were the descendants of members of Lafitte's band that had left the settlement at the Temple when that settlement was broken up. However, nothing is known of the real origin of these people. Their names as given today would indicate that they were from the original States.

Early in the history of the parish a notary was established at Hineston on the Calcasieu.

The judges of the District Court were all appointed by the Governor of the State with the consent of the Senate. The first judge was Josiah Stoddard Johnston, appointed in 1813 and he served until 1821 when he resigned to become a member of Congress. Henry Adams Bullard was appointed to serve the unexpired term of Johnston and he was succeeded by William Murray. Murray died in 1826 and Bullard was once more appointed to the bench where he served until elected to Congress, when he was followed by John Harris Johnston a brother of the first judge.

The parish judge of this period was Thomas C. Scott, who was appointed to succeed William S. Johnston, a son of the first district judge, and in turn at his death in 1833 was succeeded by John Harris Johnston, who had been a district judge.

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[51] See "The Controversial Neutral Strip," in Hardin's Forgotten Frontier Army Posts, *La. Hist. Qy.*, Vol. 16, p. 6, January, 1933.—Ed. *La. Hist. Qy.*

The names of the clerks of the court, district attorneys, parish treasurers and coroners cannot be found. The names of a few of the sheriffs were William Fristoe, Stephen Lewis Wells, Norris Wright and William Turnbull. There were others doubtless but their names have been lost and destroyed.

The first State Senator was Hatch Dent, who served from 1812 to 1816. When Claiborne first came to Louisiana and met Dent they seemed to have become very good friends for he conferred such honors upon him as making him a major of militia and justice of the peace when that position was very important. Later there came his appointment as Clerk of the Court, and then a break occurred that was carried into the Legislature, where it became most bitter, neither man trusting the other or having anything good to say about the honor or character of the other.

In 1816, John Casson a very prominent merchant and large property owner was elected and served for two years and resigned. William Murray followed Casson and served until he was named as the judge of this district. In the election of 1820 Isaac McNutt a lawyer was elected to the senate but died before the end of the term and was succeeded by Isaac Thomas.

It has already been stated that the first legislators under the Constitution were Levi Wells and Thomas F. Scott who were succeeded in 1816 by Scott and James H. Gordon. Gordon died in 1820 and was succeeded by Joseph Walker who had as his colleague Joseph Roberts.

The announcements of candidates found in the newspapers of that period sound somewhat strange at this day and time as the following will show:

> "We are authorized to state that Isaac McNutt, Esq., is a candidate as Senator in the State Legislature from the County of Rapides"
>
> or
>
> "The subscriber will serve if elected as a member of the lower house of Representatives of the State of Louisiana. William Wilson."
>
> "Joseph Walker will serve as a Representative in the next Legislature if he should be chosen by the people."[82]

[82] Louisiana Herald (Alexandria) June 3, 1820.

All of these men were elected to the positions for which they asked the suffrage of the people. Members of the House were elected for two years, Senators for four.

The elections were held for members of the Legislature and State offices on the 1st Monday in July and the two days following. If a voter could not reach the polling place on the first day he could apply on either of the other days.

Joseph Walker and Joseph Roberts were the members of the House from 1822 to 1824. In 1824, Walker was elected to the Senate and Walter H. Overton and Montfort Wells were named as members of the House, from 1824 to 1826, Overton and John H. Johnston in 1826-28.

Charles F. Scott was elected to the Senate to serve from 1828 to 1832. Joseph Walker and S. Baillio was elected to serve in the House. This brings us to the end of the period under consideration.

In 1820, Josiah Stoddard Johnston ran for Congressman at large against Edward Livingston of New Orleans and was elected. Before his term of office was over the state was divided into three districts. Johnston's home was in Rapides and Rapides was in the 3rd Congressional District, the population of which was largely Creole. In the next election he was opposed by William L. Brent of the Attakapas Territory and was defeated. In 1823 he was appointed United States Senator to serve out an unexpired term and retired to private life.

William L. Brent served until March 3rd, 1829. Brent had joined the Whig party and was defeated by Walter H. Overton of Rapides who ran on the Democratic Ticket. Overton served one term and retired to private life.

Henry Adams Bullard, a Whig was elected from this district and served until November 15th, 1834, when he resigned to become a member of the Supreme Court of Louisiana.

As a rule Rapides was to be found in the Democratic Column, sometimes it shifted but not often.

The first Court House of Rapides, located on the square where the present Court House stands, was built in 1820 under the supervision of a committee composed of Walter H. Overton, Joseph Walker and John H. Johnston, who had been appointed as a committee by the Police Jury to let the contract and supervise the work.

CHAPTER VII.

EARLY ALEXANDRIA

SOME time between 1805 and 1810, Alexander Fulton, who was the owner of a tract of land fronting on Red River, where the town of Alexandria stands, caused a tract having a front of thirteen arpents front along the river by a depth of the same amount to be surveyed and sub-divided into eighty-one squares measuring 213 feet square, each square being divided into four lots, each being a corner lot. This was the beginning of Alexandria. The streets with the exception of the three outer ones, were fifty-three feet. The outer streets were supposed to be 100 feet. Those streets running parallel with the river were given numbers, the cross ones names. The plat or map of this sub-division was filed in the office of the Parish Judge and was destroyed in 1864 when the Court Records burned. Not a single copy of this map escaped destruction and for that reason we are not certain of the names given to the cross streets.

The name, Alexandria, according to some was for the man, Fulton, who had the land sub-divided and according to others it was for an infant daughter who died about the time the town was platted.

In 1818 the legislature of the state granted the town a charter, the title of the act being "To vest certain powers in the freeholders of the town of Alexandria."[53] The act provided that the election of officers should take place at the court house, on the first Monday in April of each year. The meeting was presided over by the Parish Judge and seems to have been in the nature of a town meeting. The trustees aside from being qualified voters were required to own property within the town limits of the value of $1000.00. In 1819 the legislature amended the charter and provided that a voter must have lived within the corporation at least one year and in addition own property of the value of not less than $200.00. There was one other provision in that charter that is out of the ordinary and that is the provision that fixed a penalty of $25.00 for any person who refused to accept an office after he was elected.

It would appear that the meeting was duly held in 1820 and Isaac Baldwin was elected president of the Trustees and A. J. Davis the secretary, and the next year Davis was the president.

[53] Act approved March 16, 1818.

It would also seem that no election was held in 1822 or 1823, and the legislature of 1823 re-enacted the charter and fixed the time of the election as July 1st, 1823. At this election Henry Adams Bullard was named as the President of the Trustees and Davis again became the secretary. The names of their successors are not to be found.

The charter was just a general charter giving the town the rights usually possessed by a municipality of that date. The assessments were low and the rate of taxes was one-third of a cent on the dollar of assessment and as a consequence the town had very little revenue, for the limit of the amount that could be collected as taxes was Five Hundred Dollars. A few years later, however, this limitation was removed. In 1819, the limits of the town were extended to take in the territory between Jackson and Fourth Streets the bayou and the river.

In 1823 the town had two branch banks, one was a branch of the Bank of Louisiana and the other of the State Bank of Louisiana. The branch of the State Bank had an authorized capital stock of One Hundred Thousand Dollars, and the authorized capital stock of the other was Five Hundred Thousand Dollars. The parent bank named the branch bank directors, the directors named the president and cashier. Thomas C. Scott, the parish judge was the president of the branch of the Bank of Louisiana and Robert C. Hynson was the cashier. This position of cashier was held by Hynson until the bank was closed in 1836.

The newspapers of this period were the "Louisiana Planter" (1810) "The Red River Planter" (1813) "The Louisiana Rambler" (1818) "The Louisiana Herald" (1820-28) "Louisiana Messenger and Alexandria Advertiser" (1827) "Planter's Intelligencer and Rapides, Avoyelles and Catahoula Advertiser" (1830) and "The Alexandria Gazette" (1831). The files of these papers have been lost or destroyed and only a few copies are to be found. In fact, there is known to exist one copy each of the first two papers and of the others less than one hundred will cover all that can be found.

The Alexandria Library Society was organized by the business and professional men of Alexandria in 1823, and a charter was obtained from the Legislature in 1824. All of the lawyers, doctors, office holders, and many merchants and planters were the charter members.[54] This society owned a library of some three

[54] See Acts of 1824, pp. 36-38.—Ed. *La. Hist. Qy.*

thousand volumes of English and classical authors. The librarian who was the secretary was present at each week end to receive the return of books and issue new ones. Judge Josiah S. Johnston was the president and Richmond E. Cuny was the secretary. This collection of books has disappeared, not a single volume is known to exist at this time. It was housed in the business section of the town and was either destroyed by the fire of 1864, when Alexandria was burned by the Union Army, or else it was confiscated and sent away.

For practically half of the year Alexandria was at the head of navigation on Red River, that is from July to January. During this time boats could not ascend above this point due to the rapids in the river. All cargoes had to be transported by land around this impediment and re-shipped. In some seasons of the year the upper river was so shallow that boats could not make the trip. As a result of this condition there was established at this point a number of business houses that carried on an extensive business through north and west Louisiana. They purchased the products that were brought overland to this point and supplied the planter and trader with the necessary goods to meet his wants.

In checking over the old newspapers there are the names of several of these firms which existed during this period. The first was Alexander Fulton, who succeeded the old firm of Miller and Fulton. After Fulton's death in 1810 the business was carried on by John Casson who had been the confidential man and chief clerk of the old firm, as well as a brother-in-law of Fulton. Casson was an early senator from this parish. The next large firm seems to have been Martineau and Landreau. These men, natives of France, came to Rapides while Louisiana was a Spanish possession and engaged in the trade with the Indians and trappers. The extent of this business reached into the neighborhood of more than a quarter of a million a year. After the coming of the white farm they continued in business adding the furnishing of the planter to their other trade. In the Louisiana Gazette of 1807 an article states that this firm had lost at one time at New Orleans one of their flat boats containing 5,000 dressed deer skins, forty bales of cotton and other merchandise. It was never recovered. They operated flat boats to carry merchandise to New Orleans for sale and export and bring back the goods needed for their trade. Martin and Bryant was another large firm. They brought to this section Robert C. Hynson and Norris Wright from Mary-

land as clerks in their store. Upon the death of Bryant the firm was dissolved and the clerks Hynson and Wright took charge. This last firm was dissolved in March, 1825, Hynson was then the cashier of a bank. Callen and Scott are other names found, as are Leonard and Waters. This last firm was dissolved and each of its members conducted places of business under his own name. Waters was also extensively interested in the steamboat business as we shall later see. Leveque and Pleasant H. Hunter are names of other merchants, Mennis, Lynch & Co., continued down to the time of the war of 1861-65, however, the firm name was changed several times during that period.

All merchants were not of the type of those mentioned above as will be noted from the advertisement of Edward Bacon who conducted a different kind of store in 1824. His advertisement reads as follows:

> "Edward Bacon has removed to his former residence—and has just landed from the Steam Boat 'Yankee,' the following articles Cogniac Brandy, Pure Holland Gin, Maderia Wine, Tenneffe & Malaga wines; Old Port in bottles, loaf and brown sugar, best Heno tea, Fresh currants, Cavendish Tobacco, London Mustard, Sperm candles, first quality gun powder; shot of all sizes."

The cargo of the steamboat "Rapides" that reached Alexandria in March, 1824, seems to have been typical. It consisted of lime, flour, pork, beef, lard, whiskey, butter, beans, and fruit. Every cargo of which a description has been given contained whiskey, flour, pork, beef, lard and butter. Some contained hardware and farming implements as well as mules and horses.

For a part of the year the merchant had to haul his supplies from the boat landing on the Mississippi river, due to the fact that Red River was so shallow and filled with sand bars that a boat could not reach this landing. Under such conditions these early firms conducted and maintained a business of considerable proportions.

(To be continued)

FORT JESUP, FORT SELDEN, CAMP SABINE, CAMP SALUBRITY

Four Forgotten Frontier Army Posts of Western Louisiana

By J. FAIR HARDIN

Lieut. Col., J. A. G., Louisiana National Guard

THIRD INSTALLMENT

(Continued from April, 1933, Quarterly)

CHAPTER VIII.

GAINES ESTABLISHES CAMP SABINE

THE site of Camp Sabine is shown as being the North Half of South-east Quarter of Section 26, Township 6 North, Range 13 West, in the map of December 8, 1842, in the General Land Office, showing the earliest American survey of this township. This interesting map also bears witness to more of the tireless energy of General Gaines. Gaines' Ferry, established by his brother, James Gaines, for the convenience of the trooops and bearing his name, is shown crossing the Sabine River in Section 30, just four and a half miles west of Camp Sabine, and connecting the two are shown two roads, the upper one a rather circuitous "Road from Gaines' Ferry to Natchitoches," and, branching off from this, in the center of Section 27, and extending due west to the ferry in almost a straight line "Gaines' New Road." Mr. A. Scott Gibson, Resident Highway Engineer of Many, to whom the writer is indebted for numerous surveys, maps and sketches of historic sites in Sabine Parish, including Fort Jesup, Camp Sabine and the Sabine Town Breastworks, states that the present Louisiana State Highway 6 is practically on the the location of the "Gaines' New Road", so that as one travels this road for its last three and a half miles before it reaches the Sabine he is following General Gaines Military Highway laid out ninety-five years ago. Gaines' Ferry now bears the name of Pendleton's Ferry. James Gaines was two years younger than his more famous brother, and followed him into Tennessee and later into Louisiana and on into

Texas. Crocket in his recent book, "Two centuries of East Texas," says that he established this ferry at the crossing of the San Antonio Trace as early as 1805 and later founded the town of Pendleton nearby, named for his family. He was long prominent in East Texas and one of the signers of the Texas Declaration of Independence.* On the Texan shore of Pendleton's Ferry stands the first of the markers erected across Texas by the Daughters of the American Revolution, marking the Old San Antonio Trace. The exact point of the crossing of the Sabine by the Trace probably varied from year to year, and from season to season, and according to the stage of the water, and the condition of the road, shifting perhaps from Thompson's Ferry above to Louis' Ferry, or Sabine Town, probably about six miles below Pendleton's Ferry, where may be seen, on the Louisiana shore, the interesting and extensive Sabine Town Breastworks, of the period of the war between the states, through which one route of the old Trace probably entered at the date of their construction.

General Gaines knew that at Camp Sabine he was occupying historic ground. This may have been the "camp" at which General Wilkinson says Swartwout left him, after communicating to him what the General termed were Aaron Burr's treasonable designs,[58] though Swartwout may have left him at some other camp on the march from Natchitoches, where they first met;[58] and it was probably the place of issue of the famous "Morning Order" of November 5, 1806, which ended General Wilkinson's Sabine Expedition:

> "Camp, East Bank of the Sabine, Nov. 5th, 1806
>
> "His Excellency General Herrera, the military chief immediately opposed to this corps, having agreed to withdraw his troops to Nacogdoches, and to prohibit their recrossing the Sabine River pending the negotiations, between the United States and Spain, the objects of this expedition are accomplished, and the camp will be, of course, evacuated tomorrow or next day, and Colonel Cushing will lead his troops to Natchitoches.
>
> WALTER BURLING, Aid-de-Camp."[59]

and perhaps it was from here that Colonel Burling was dispatched to the conferences with Herrera and Cordero, the true

* Two Centuries of East Texas, pp. 70-135. Z. T. Fulmore, "The History and Geography of Texas as Told in County Names," p. 54.

[58] *Memoirs of My Own Times*, by General James Wilkinson, Vol. 2, p. 323, Phila., 1816.

[59] *Ibid.*, p. 315. Also Monette, *History of the Discovery and Settlement of the Valley of the Mississippi*, Vol. 2, pp. 462-463.

purposes of which became another of the unhappy controversies of General Wilkinson's career.[60]

The site is now occupied in part by Beulah Baptist Church, known also as the Blockhouse Church, though no vestige of the old contonment buildings remains. The spring which supplied the troops still runs, however, and in the rear and to one side of the present church building and at a distance of several yards, graves of many of the soldiers who died there may be discovered. The church stands on the east side of the dirt road leading to Sabine Town, and two-tenths of a mile south of its intersection with State Highway Number 6.

Chapter IX.

Gaines Makes His Final Efforts for War

General Gaines accompanied the troops to the advanced position of Camp Sabine, and enroute along the Old San Antonio Trace saw several hundred women and children and some men retiring in panic from East Texas. He sent word to various Indian chiefs that they would be punished if they attacked inhabitants on either side of "our unmarked boundary," a warning which, as Marshall well says, "must have been somewhat enigmatical to the sachems."[61] Receiving no further confirmation of the rumored Indian hostilities, Gaines refrained from crossing the Sabine and actually invading Mexican territory on his mission of "preserving neutrality." Impetuous and eager as he was for war, he hesitated at this. Lieutenant Bonnell returned from his mission among the Caddos and reported to Gaines at Camp Sabine on April 20, 1836. He had learned that it was true that Manuel Flores had been among them about two months before, attempting without success to incite them against the Texans, and identified the "thick, short man" who accompanied Flores as being Cortinez. There was little comfort in this report for Gaines. He paused to inform Cass of his advance to Camp Sabine, and of the gist of Bonnell's report, observing that it might appear on the surface that there was no need for additional troops, but that as long as Flores was among the Caddos they might still be prevailed upon to unite with the other Indians. He thought that mounted men

[60] Monette, pp. 463-465.
[61] Marshall, *op. cit.*, 155.

should be at Camp Sabine as soon as possible after May 1, 1836, in order to be prepared to meet any mounted hostile tribes.[62] One cannot, of course, but reflect that Gaines' interest in mounted soldiers may have been as much inspired by their suitability for an expeditionary force for the invasion of Texas and Mexico as for any operations against Indians. For the time being, however, he restrained himself at Fort Jesup and at Camp Sabine, awaiting the arrival of his requested reinforcements, and perhaps more favorable instructions, or events.

In the issue of Niles' Register for August 6, 1836, Vol. 50, page 384, there is given an "extract from the journal of a military journey to the Sabine" in which an eye witness thus describes vividly the country and conditions existing there during this exciting period:

> "In consequence of the apprehended difficulties on the Mexican frontier and as a protection to our citizens who live in that region, our government has established a large military force there, which is now encamped near the Sabine River. It was advisable also to keep an eye to the Indians in the neighborhood, particularly the Comanches, a restless tribe, and, on our continent, the Arabs of the prairies. They are excellent horsemen, leading a roving life, ever ready for war.
>
> "The Sixth regiment, U. S. Infantry, received orders last spring to proceed in this direction; accordingly leaving their old station in Missouri, passing down the Mississippi and up the Red River, they reached Natchitoches near the end of March last, 200 miles below 'the Raft.' It contains about 500 settled inhabitants, black and white, the former most numerous. Between Natchitoches and Fort Jesup there is a little Spanish town of some 50 inhabitants,[63] and although they appeared to have an abundance around them, they would not sell a chicken to support us on our journey. Their houses are built in the Spanish style, of logs, and a small chapel, of the same materials, contains half a dozen broken bells. On the arrival of Major Thompson, who commands the Regiment, he used every exertion to get it out to Fort Jesup. It was extremely difficult to obtain transportation, and the roads were so bad that the soldiers in marching had to lift the oxen bodily from the mud holes, and afterwards the wagons—poor fellows, it was a hard march.

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[62] Ho. Exec. Doc. 25th Cong., 2nd Sess., XII, Doc. 351, pp. 771-773, Marshall, *op. cit.*, 156-157.

[63] The ancient village of Adais, site of the Presidio of Neustra Senora del Pilar de los Adais (1721-1768) and of the Mission San Miguel de los Adais (1717-), near the present site of Robeline, on the Old San Antonio Trace. Site now marked.

"Fort Jesup, so-called, though it looks like a little hamlet in the midst of the forest, without system or regularity, and no enclosure around it, is near the Spanish border, in a middle distance between Natchitoches and the Sabine, and one cannot reach it in one day from either place except on horseback.

"We had not been long at the Fort, when an express for the troops to be ready for marching by 3 P. M. of the same day was received, and the day following they proceeded towards the Sabine, 14 companies of Infantry, being the whole of the Sixth Infantry, and 4 companies of the Third Infantry, with two pieces of Artillery. The line, as it led through the forest, made a noble appearance.

"We camped near the Sabine. Hundreds of families were returning from Texas, and there was more misery among them than could well be imagined. All throughout the woods were living under sheds, those going to Texas, who had been stopped by the accounts which they heard, and others who were returning to their old homes. Under the same sheds were to be seen blacks and whites, who had sickened with the measles, some of whom were actually dying, and the whole destitute of the means of relief. It made one's heart sick to witness these spectacles."

On May 4, 1836, Secretary Cass wrote to Gaines at Fort Jesup informing him that 'the President will sanction the employment of whatever force may be necessary to protect the western frontier of the United States from hostile incursions," and that the department had requested the governors of Louisiana, Mississippi, Tennessee, Kentucky, and Alabama to call into service "such militia force as you may find necessary in carrying into effect the instructions heretofore given you." "The theater of operations is so distant from the seat of government, that much must be entrusted to your discretion. The two great objects you have to obtain are, first, the protection of the frontiers; and, secondly, as strict a performance of the neutral duties of the United States as the great object of self defence will permit. You will take care and do no act which can give just cause of offense to any other Government, and on the other hand you will not permit the frontiers to be invaded by any forces whatever." Here it seems that Cass was "hedging" a trifle, telling Gaines that he could have all the soldiers he wanted, but that he must be careful how he used them; and the restrictions must have given Gaines some pause. The letter closed with rather general

instructions to Gaines to protest against the employment of any Indians by any hostile forces, caused perhaps by numerous Indian rumors which had been received.

Under date of April 28, Governor Cannon, of Tennessee, the first of the governors to respond, forwarded a copy of the letter he had received from General Gaines to Secretary Cass, stating that he was complying within two weeks, and requesting instructions as to defraying the expenses of mobilization.[64]

On May 9, 1836, Cass again wrote Gaines at Fort Jesup, informing him of the correspondence with Governor Cannon, and at the same time stating that necessary instructions had been issued to the Quartermaster General of the Army to report to various governors in facilitating the movements of the troops requistioned by Gaines.[65]

So far, everything was going splendidly for Gaines; and when he read this dispatch at Fort Jesup, or out with his advance party at Camp Sabine, wherever he may have chanced to be when the post arrived from Natchitoches, he must have visioned the early gathering of large numbers of troops from the various states, and perhaps was already planning his advance. Under date of June 28, he wrote General Bradford, commanding the Tennessee Volunteers, from Camp Sabine, giving a statement of the situation *in Mexico*. About the same date he also wrote from Camp Sabine to Governor Cannon and to the Governor of Kentucky. He was keeping alive the interest as a good propagandist should. In the midst of these hopes, perhaps in the same delayed frontier mail, there reached him at Fort Jesup a letter from Cass under date of May 12, 1836, which must have dashed all his hopes of an early advance; it clearly showed almost an about-face on the part of the Administration:

> Sir:
>
> The President is very solicitous that you should act cautiously in carrying into effect your instructions, and do nothing which can compromise the neutral relations of the United States. Your great objects, as I have before stated to you, are to defend our frontier. and to fulfill the neutral obligations of the government. If the Indians are not employed immediately upon the borders there will be no need of your advancing beyond the territory heretofore in the actual occupation of the United States, unless armed parties should approach our frontier so near as manifestly

[64] Ho. Ex. Doc. 256, 24th Cong., 1st Sess., pp. 50-51.
[65] *Ibid.*, pp. 51-54.

to show that they intend to violate our territory. Such a state of things is scarcely to be anticipated from either of the contending parties in Texas; but it is otherwise with the Indians. In the excitement of war they will not be restrained by boundary lines, but will seek scalps wherever they may find them. The whole history of the employment of Indians in the contests between civilized communities proves this fact. It was principally with a view, therefore, to this state of things, that you were authorized to cross the line dividing the country actually in the occupation of the United States, from that heretofore in the possession of Mexico, if such a measure be necessary for the defense of the frontier. But I must impress upon you the desire of the President, that you do not advance unless circumstances distinctly show this step is necessary for the protection of the district of our country adjoining the scene of operations in Texas. And should you find it necessary to advance, you will not fail to communicate to any armed parties in the country your orders and objects. But you will, under no circumstances, cooperate with any of them, or suffer any of them to join you; nor interfere, in any manner, with any military operations in Texas, except such as may be necessary for self defense.

Should you pass beyond the above mentioned boundary line, you will return as soon as the safety of the frontier will permit.

Very respectfully,
Your obedient servant,
LEW CASS.

Major General Gaines
Fort Jesup, Louisiana.

Marshall, in his excellent study which we have so frequently cited during this period, gives in the latter part of his eighth chapter, in a most entertaining way, the legislative and diplomatic background of this letter, and the underlying political causes for its having been written. We shall but paraphrase his account. Secretary Cass, besides ably seconding General Gaines' heavy requests for troops, by letters to the governors, as we have seen, bestirred himself in other directions also. He got through Congress, readily in the Senate, but with some opposition in the House, a bill extending the term of service of volunteers from three months to six and twelve months.[66] In May, Cass sponsored a bill, based upon the estimates of the Quartermaster General, Thomas Jesup, as to the financial requirements to support General

[66] Acts 1st Sess., 24th Cong., pp. 57-58.

Gaines' large program, for the immediate appropriation of a million dollars to meet the expenses that were anticipated.[67] This bill was warmly debated in the House, the opposition being led by John Quincy Adams, who bluntly contended that a war with Mexico was being financed under the false guise of frontier protection, and that the House had not been sufficiently informed by the executive as to the needed funds. During the course of the debates, it was rather broadly conceded by some speakers in its favor that the preparations were directly against Mexico, and that they were justified. The bill finally passed the House, but not until after that body had adopted a resolution calling upon Cass to submit to it all of the documents in the War Department relating to General Gaines' operations. Hence, as Marshall correctly observes, this letter of May 12 was hurriedly written, after this resolution was adopted on May 10, to make the record in good shape before submission to Congress, for the full protection of the Executive. Furthermore, a letter written from New Orleans by Major General Alexander Macomb, one of Gaines' arch-enemies, on April 25, reached Secretary Cass at this time, and, after the strangely prevailing custom among army officers of the period, appeared simultaneously in the *National Intelligencer,* which violently opposed the course of the administration in its relations with Mexico. In this letter Macomb stated that the fears of Indian hostilities were without basis, that Gaines was merely being imposed upon by Texans who were desirous of American intervention and aid, and that with the Third, Sixth, and Seventh Regiments of Infantry and a regiment of Dragoons, Gaines had all the troops he needed "if he will properly dispose of them", and did not require any volunteers. He stated that Governor White, of Louisiana, shared his views and had declined to honor Gaines' request for volunteers. He further quoted a Colonel Darrington as to the lack of any real need for the extra troops.[68]

Coming as this letter did at this particular time, from the General in Command of the Army, it naturally produced a great effect. The hostile press redoubled its activity. The administration awoke to a realization that Gaines might have led it into

[67] Am. St. Papers, Mil. Aff., Vol. VI, p. 412, Doc. No. 679, 24th Cong., 1st Sess.

[68] Ho. Doc. No. 256, 24th Cong., 1st Sess., pp. 55-56. Smith, *The War With Mexico,* Vol. 1, p. 421, gives a note endeavoring to explain Gov. White's adverse views, but his reasoning is unconvincing. See for Gov. White's plain and proper reasons Winston's New Orleans and the Texas Revolution, *La. Hist. Qtly.*, Vol. 10, No. 3, pp. 332-333, July, 1927.

an embarrassing situation. Two days later it submitted the whole record, including the letter of May 12, and Macomb's letter, to Congress.

Thus, for a few months, in 1836, Fort Jesup and Camp Sabine and the events happening there were the focal points of intense national political and military interest, and of international portent. Barred from further brandishing of the sword, however, General Gaines took up a trenchant pen, and from Camp Sabine on April 25 he wrote to both General Houston and Santa Anna, warning them against any military operations east of Sabine Bay or any of the principal watercourses emptying into it, or in the region to the south of Red River near Fort Towson, or across any part of the unmarked boundary.[69] Characteristically, Gaines was making the boundary, though "unmarked" embrace as much Mexican territory as possible, perhaps with the idea that he might go as far as possible without doing the forbidden act of "crossing the frontier." It was a convenient frontier for Gaines. Before sending these letters, however, he received at Camp Sabine a report of the Texan victory at San Jacinto on April 18, 1836, therefore he added postscripts to the letters to the effect that if the officers or troops of either forces had been placed by the fortunes of war in such a situation as to require the humane offices of a friendly neighbor, he would take pleasure in extending any act of kindness not incompatible with neutrality. How solicitous Gaines was! If restrained from invading Mexico as an armed force, he apparently was willing to go in a sort of Red Cross disguise. The reader is likely to smile at the blandness of these postscrips when he knows that Gaines' tidings from San Jacinto must have come from the Texan and not from the Mexican side, and that Gaines must have been aware of Santa Anna's utter defeat and capture. Three days later, on April 28, Gaines wrote Cass from Camp Sabine, confirming the report of the victory of San Jacinto, and stating that Santa Anna had declared himself in favor of acknowledging the independence of Texas. Strangely, too, the lately so formidable Cherokees and other Indians were now disposed to return at once to their villages, and he therefore thought it proper to rescind the requests on the governors for the volunteers.[70] He followed this letter with

[69] Ho. Ex. Docs., 25th Cong., 2nd Sess., XII, Doc. 351, pp. 782-783.
[70] *Ibid.*, p. 783.

a more detailed report on May 2, which was in the nature of a "farewell to arms" for him for, as Marshall says:

> "he could not but realize that the defeat of Santa Anna had completely changed the border conditions, depriving him of any immediate prospect of military success. The war with Mexico, in which he hoped to gain a great name, had suddenly become a remote possibility."[71]

Chapter X.

Gaines Advances from Camp Sabine and Occupies Nacogdoches

Even yet, however, Gaines was not ready to give up. He quickly recovered from the double effect of the receipt of the letter of May 12 and of the news of San Jacinto, and quickly shifted his plans from an acquisition of Texas through a war with Mexico, to its acquisition by a sort of peaceful military occupation. He plainly outlined these new plans and desires in his letters to Cass of May 2 and 10 from Camp Sabine, in the latter of which he addressed an appeal to the President for his approval; this last he sent not by ordinary post, but by a special messenger, Captain E. A. Hitchcock, whom he ordered to Washington. Captain Hitchcock, he stated, could give all necessary information bearing on the subject.[72] The Mexican army being no longer available as a basis for his proposals, the Indians were again resorted to. Opportunely, reports did begin to arrive of Indian activities. These came from the neighborhood of Fort Towson; and he also received at Fort Jesup a report from Larkin Edwards, formerly the interpreter of the Caddo Indian Agent at the Agency House near the present site of Shreveport, that Manuel Flores was still active among the Caddos.[73] Gaines again sent Lieutenant Bonnell among the Caddos for verification of this report, which he made in a dispatch of June 4, adding that another Mexican named Medrano had been operating with Flores. On June 6, Gaines renewed to Governor Cannon of Tennessee his requisition for volunteers, following it the next day with a letter to Cass stating the need. By June 7 Lieutenant Bonnell had returned to Fort Jesup, and from there gave Gaines

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[71] Marshall, *op. cit.*, p. 169.

[72] Ho. Ex. Doc. 25th Cong., 2nd Sess., XII Doc. 351, pp. 785-787.

[73] *Ibid.*, pp. 814-815.

further information about the Flores activities, accompanying his dispatch with some depositions on the subject.[74] About this time, some Indians did commit several offenses, killing a number of settlers in northeastern Texas, capturing others, and badly frightening the various communities. These, in turn, called upon Gaines for protection. This was his long-awaited opportunity. Here was the fortunate concurrence of Indian hostility with an invitation to advance; and Gaines promtly seized the opportunity. He ordered more troops from Fort Jesup to Camp Sabine, and ordered Colonel Whistler, on July 10, 1836, to occupy Nacogdoches and fortify it; and at the same time he ordered six companies of infantry and three of dragoons from Fort Towson to Nacogdoches.[75] General Sam Houston and his staff visited the American forces in Nacogdoches the latter part of July. It was probably at this time that he received the gift mentioned by Marquis James in "The Raven," page 209: "Houston possessed a sword—the gift of an American Army officer at Fort Jesup, Louisiana." Gaines had sent Lieutenant Bonnell, his efficient "Intelligence Officer," to Nacogdoches, to keep him informed of events, and on July 19 Bonnell reported to Gaines at Camp Sabine that the report was current in Nacogdoches that large numbers of Indians were gathering in northeastern Texas, and he followed this up with other reports seeming to confirm it.

Gaines, meanwhile, had written Cass, making reply to General Macomb's letter, stating that the General would have written otherwise had he been on the frontier itself. He was evidently making preparations for rather extensive and prolonged operations, for on July 21, 1836, he wrote from Camp Sabine that he had ordered a blockhouse and eight storehouses to be erected there, which, when completed, would contain nearly three thousand bushels of grain and over a hundred and fifty thousand rations.[76] Thus, on the site of General Wilkinson's old Camp of 1806 was formally established the famous Blockhouse of Camp Sabine, which later became the noted "Blockhouse Church," converted from military to religious duty, and later, within the memories of men still living, succeeded by the present virile

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[74] *Ibid.*, pp. 810-811.

[75] Ho. Ex. Doc. 25th Cong., 2nd Sess., VII, Doc. 190, pp. 98-99. Niles Register, Vol. L., p. 377. A most interesting and justly popular account of these events with Mexico, and fully justifying Gaines' actions in occupying Nacogdoches is found in George Creel's *The People Next Door*, Chapter 10, p. 94. The John Day Co., New York, 1926. A skillful piece of "special pleading", showing the art of its journalist-propagandist author in its intense pro-American bias, Creel tells the truth, but "interprets" it all one way.

[76] Ho. Ex. Doc., 25th Cong., 2nd Sess., XII, Doc. 351, pp. 795-796.

Beulah Baptist Church, located on the road to Sabine Town, two tenths of a mile south of the State Highway No. 6, and thirteen miles west of Many, in Sabine parish.

Though Gaines had been moving rapidly, matters were going slowly in Washington. Not until July 11 did Cass reply to Gaines' letter of June 7 giving information of the renewal of Indian hostilities, but he wrote Gaines that he might advance to Nacogdoches, the President approving the advance. He did not mention Gaines' renewed request for State Troops from Tennessee, for he had not been told of it.[77] So far, Gaines had succeeded with his cherished plan; but it was not to be for long. President Jackson had suddenly decided upon a plan that was to become a precedent in American executive dealings with Mexico: a plan of watchful waiting. He believed the Texans were now able to prevent another Mexican invasion, and he would have time to study the proposals of Austin and others for annexation. On August 5 he wrote Governor Cannon, of Tennessee, countermanding Gaines' request for troops in rather forceful words. General Gaines recalled his request.

This closed Gaines' military career at Fort Jesup and Camp Sabine, to him a disappointing close. His action in occupying Nacogdoches was destined, however, again to make Fort Jesup and Camp Sabine the focal points of another international complication between the United States and Mexico, owing to the insistent and embarrassing protests of Mexican Minister Gorostiza, and the course of duplicity followed by Secretary of State Forsythe, in his efforts to explain General Gaines' actions. This interesting chapter in the tangled diplomatic history with Mexico, while connected with a history of Fort Jesup and Camp Sabine, is not, strictly speaking, a part of its history, and I shall not attempt to go over the ground so ably covered already by Mr. Marshall in Chapter X of his work.

General Gaines was fated to ill luck on this adventure of his on the western frontier. He celebrated the National Birthday of 1836 at Camp Sabine, perhaps after a review of his troops and the firing of a salute, by taking up his pen again. He wrote his notorious letter to the Adjutant General of the Army, of such length that it covers some five and a half pages of the American State Papers, in answer to General Winnfield Scott's criticism of General Gaines' part in the Seminole Campaign; in this letter

[77] Ho. Ex. Doc. 25th Cong., 2nd Sess., VII, Doc. 190, p. 97.

he made a vicious attack on General Scott, characterizing certain statements of the General as being "not only not true, but marked with a reckless malignity disgraceful to an officer and dishonorable to a man—not to say a gentleman." He caused this letter to be published in the New Orleans *Bulletin* of September 26, 1836.[78] This letter provoked a Court of Inquiry, which convened at Fredericktown, Maryland, on November 7, 1836. Gaines' last letter from Camp Sabine is dated September 18, addressed to General Persifer F. Smith and Col. William Christy, of New Orleans, enclosing a copy of his letter to be published in the paper. He left the frontier early in October, 1836, never to return. His reflections were doubtless bitter as he rode, disappointed, back along the old San Antonio Trace through Fort Jesup, that he had had Colonel Zachary Taylor lay out just fourteen years before, through Natchitoches, where he had spent many happy days, and where he had landed a few months before with high hopes of achieving glory in a war with Mexico, whereas now he was soon to face a Court of Inquiry presided over by his enemy, General Macomb. The court's verdict was adverse to him, instead of a vindication, as he had hoped, and was tantamount to a reprimand.[79]

[78] Am. St. Pap. Mil. Aff., Vol. VII, pp. 429-434, 438-444.
[79] *Ibid.*, p. 465.

(To be Continued)

A HISTORY OF CONCORDIA PARISH, LOUISIANA

By ROBERT DABNEY CALHOUN
VIDALIA, LA.

Dedicated to the memory of my father, Judge Nathan Meredith Calhoun

SEVENTH INSTALLMENT
(Continued from April, 1933, Quarterly)

CHAPTER XV.

THE POLICE JURY

UNDER the old Territorial government management of County affairs was delegated to a jury of twelve freeholders, known as the "Police Assembly," summoned and presided over by the County Judge.

By act of March 25, 1813,[314] the Legislature provided: That parishes should be divided by the Parish Judge and Justices of the Peace into as many *Police Jury Wards* as the local situation prompted. Thereupon, members of the Police Jury were to be elected, two from each Ward, the elections to be held annually; and those elected at the first election under the act were to be divided by lot into two classes, those of the first class to continue in office during two years, and those of the second class for one year, so that the jury would be a continuing body. That they should hold an annual meeting on the first Monday of July; that the Parish Judge should act as its President, and the Justices of the Peace should also sit as members. The Parish Judge voted only in case of a tie but the Justices were given full voting powers. Under this act, the Police Jury was vested with many of the powers and functions it now exercises, but the organization and composition of the Jury was changed many years ago.

There are no Police Jury *minutes* extant prior to July 7, 1856, with the exception of a printed copy of minutes of one or two meetings. The minutes from 1856 to this date are all preserved. In 1850 a Digest of the general ordinances of the Police Jury, then in force, was compiled by Thomas Edwards and pub-

[314] Acts of 1813, p. 154.

lished by the *Concordia Intelligencer*. Two or three copies of this little book of some 100 pages still exist. It does not give the personnel of the early Police Juries or their proceedings in detail.

There was no meeting of the Police Jury during the Civil War period between October 16, 1862, and October 16, 1865.

We have a tattered and almost unreadable copy of the minutes of the first meeting held after the passage of the act of 1813, the first part of it reading:

> "At a meeting of the Police Jury at the Court House of said Parish of Concordia, on Monday, August 9, 1813, composed of the Parish Judge, Justices of the Peace and Police Jurors duly elected in their respective Wards for that purpose, the following persons being called, answered and took their seats to-wit: The Honorable John Perkins, President, John Minor and Arthur Andrews, Justices of the Peace, and Edward King, Elijah Cushing, Thomas Freeland, John D. Smith, William Hootsell, William Blunt, Joseph Walker, William J. Offit, Samuel Phipps, and Burwell Vick—Absent: Job Bass and Simon Pressler.
>
> "On motion, a Secretary was appointed, and the Jury proceeded to business. On balloting for members of the First Class and those of the Second Class, the ballots stood thus: *Members of the First Class*—John D. Smith, William Blunt, William Hootsell, Edward King, Burwell Vick and Job Bass. *Members of the Second Class*—Elijah Cushing, Thomas Freeland, Joseph Walker, William J. Offit, Samuel Phipps and Simon Pressler."

We have written of some of the men composing the Jury of 1813. Burwell Vick was the son of Rev. Newitt Vick, founder of Vicksburg.[315] The business of this meeting, (other than levee matters) was:

(1) Ordinances of "Police Assembly" of July, 1811, and July, 1812, were repealed. (2) A schedule of rates adopted for Vidalia ferry and "just and equitable" rates for other ferries to be fixed by Parish Judge on application for license; and John Perkins and John D. Smith appointed to confer with City Council of Natchez to discuss reduction of rates, "which are evidently too high and oppressive to inhabitants of Parish"; and David B. Morgan and John D. Smith appointed to inquire into powers of parish to let ferries for hire. (3) Parish Judge charged with safekeeping of Court House and public lot. (4) William Willis

[315] Claiborne, p. 534.

and Joseph Dunlap directed to ascertain whether any plank belonging to Court House had been removed and to bring suit for its value. (5) District Attorney directed to institute suit in District Court against David Lattimore, late Parish Judge, and his sureties, for money due Parish by him. (6) License for retailing spirituous liquors in less quantities than one gallon fixed at $10.00; and license for operation of each billiard table fixed at $50.00 per year; and licenses to be issued by Parish Judge. (7) Petty claims were ordered paid. (8) Parish Judge directed to buy a record book and other supplies and appropriation made for same. (9) The Parish tax for the year was fixed at *one-third* of the State tax on land and slaves. (10) John D. Smith and John Minor appointed committee to memorialize Legislature for extension of time for payment of State taxes for 1813. (11) John Perkins, Judge, appointed Parish Treasurer. (12) Hamilton Jett, Daniel Parker and Edward Tyler appointed Constables. (13) Arthur Andrews, Joseph Walker and Thomas Freeland appointed Assessors for the year. (14) John D. Smith, Arthur Andrews and John Perkins appointed to correct and revise minutes and to have 50 copies printed for distribution, and each allowed $2.00 for his services.

Absence of records makes it impossible to give the personnel of the Police Juries of early days. From the *Concordia Intelligencer* of August 12, 1846, we find the Jury was then composed of: William L. Poindexter, President, and D. F. Miller, S. H. Lambdin, Isaac Lum, Charles Crossgrove, James M. Williams, Joseph E. Miller and Edward P. Williams, members. Several of these have descendants now living here or in surrounding territory.

The same source discloses the Police Jury of 1852 as composed of: A. T. Welch, President, and Joshua Jones, G. W. Green, Thomas Alexander, L. P. Conner, J. J. Preston, G. G. Russell, S. C. Scott, Henry Tooley, Milton Wilson and G. W. Miller, members.

From the minutes of August, 1856, we find the Jury composed of: A. T. Welch, President, and Joshua Jones, George W. Green, Jacob Peebles, Lemuel P. Conner, Thomas Alexander, R. D. Percy, S. B. Oswalt, S. C. Scott, G. W. Miller and John Lanius, members.

The minutes of November, 1860, show the following: G. W. Green, President, and J. B. Courtney, E. J. Hoover, S. C. Scott, Zebulon York, Thomas Alexander, Charles Crossgrove, S. B. Oswalt, Isaac Lum and G. W. Williams, members.

At the first meeting after the Civil War, October 16, 1865, there were present: George W. Green, President, and John W. Carr, John McDowell, G. G. Russell, Wm. H. Thomas, M. Zenor, M. M. Scott, J. A. Miller and Henry Tooley, members; and only levee matters were considered.

At the *meeting of November 1, 1866,* there were present: George W. Green, President, and J. B. Courtney, A. T. Welch, Oren Mayo, Lemuel P. Conner, R. C. Cawley, Milton Wilson, Major Scott, Joseph B. Miller and Henry Tooley, members. A special committee on Parish debt reported that the pre-war debt of the Parish, in principal and accrued interest, apparently exceeded $348,000.00, of which about $293,000.00 had been incurred for levee purposes and the balance for construction of jail and other Parish improvements. Besides, war claims had been presented which the committee thought the Jury had no power to recognize. In view of the impoverished condition of the Parish, and the shrinkage of the assessment from the pre-war figure of over $15,000,000.00 to less than $4,000,000.00, the Committee recommended that these claims be adjusted and refunded into long-term bonds, etc. An ordinance was adopted requiring all creditors to present their claims to the President prior to January 1, 1867; and he was directed to have printed, signed and issued to them bonds for the principal of their debts, bearing 5% from January 1, 1867, and a special tax was levied for 1866 and succeeding years to discharge these obligations. Certain creditors objected to the waiver of accrued interest, and at the meeting of *January 28, 1867,* the "Suspended Debt Committee", composed of G. W. Green, Judge Orin Mayo and L. P. Conner, recommended that the previous ordinance be amended by adding one-half of the accrued interest into the principal and the issuance of 12-year, six per cent bonds, and an ordinance was adopted to that effect, and also empowering the President to waive prescription on any of these claims which he found valid in other respects.

At the *meeting of July 17, 1867,* Lieut. John W. Hicks, commanding the Post at Vidalia, reported that cholera was thought to be prevalent in the Parish and recommended certain sanitary

measures. The Committee on Parish debt reported that $208,-131.89 of the Parish debt had been investigated and funded into bonds, with about $100,000.00 in claims yet to be handled. $24,000.00 of Parish notes, in the form of money, which had been taken up was ordered burned.

At the *meeting of May 20, 1868,* mention was made of the loss of the books and papers of the Police Jury in 1862. It is also recited that in excess of $300,000.00 in refunding bonds had been issued, and that "the market value of said bonds is supposed to be about 37½%."

At the *meeting of April 4, 1870,* the Police Jury acquired a very muddy complexion. Present: Louis Trager, President and Winston Briggs, (negro), Noah Graham (negro), Isaac Evans (negro), William Shorter (negro), George Downs (negro), D. L. Rivers, A. V. Davis and Wilson Roberson, members. No business of importance.

At the *meeting of November 6, 1871,* a resolution was introduced appropriating $3,000.00 to Dr. Meng for professional services to the indigent during the Yellow Fever epidemic of 1871.

At the *meetings of December, 1872,* present: D. L. Rivers, President and F. C. Witherspoon, J. S. Gaynor, Henry Stewart (negro), Micajah Talbert (negro), George S. Sawyer, Thomas Reber and John White, members. Thomas Reber was elected President at the December 16th meeting; and at the meeting of December 18th, George S. Sawyer made a proposition to the Jury to test the validity of the bonded debt in the courts, similar funding in other parishes having been annulled by the State Supreme Court, and "the present Jury having been elected at an election in which the validity of the bonded debt was the issue." Sawyer proposed to institute and prosecute the necessary litigation upon a contingent fee of 5% of the amount of outstanding bonds the courts might avoid. An ordinance was passed accepting the proposition. Prior to the passage of this ordinance, the special taxes for the payment of interest on the bonded debt had been collected and paid over to the bond-holders. This ordinance immediately provoked a mass of litigation, and the final chapter was not written until 1904. The first suit was that of George L. Walton vs. Police Jury *et als.*,[316] an injunction suit, alleging the illegality of the bonds, and restraining the Police Jury from levying any tax for their payment, and all bond-holders were joined

[316] Court Record Book, 1868-1878, pp. 57-65. Docket No. 536.

as defendants. There were 38 resident and 90 non-resident bond-holders. The injunction was sustained in the District Court and was affirmed by the Louisiana Supreme Court.[317] Some of the bond-holders brought independent suits against the Parish in the U. S. Circuit Court, notably Britton & Koontz Bank, holding $140,000.00 of levee bonds, George & William Weldon, holding $60,000.00 of the public buildings bonds, and William C. Glass. At the Jury meeting of April, 1874, Sawyer was authorized to compromise the Weldon suit for $30,000.00 with 5% interest from March 12, 1873, to be paid in five equal installments; and at the meeting of February 15, 1875, he reported that this compromise judgment had been entered. At the meeting of July 5, 1875, a committee consisting of Col. G. Spencer Mayo, Col. George L. Walton and Francis S. Shields was appointed to ascertain whether the Britton & Koontz suit could be compromised; and at the meeting of October 5, 1875, this Committee reported that Britton & Koontz would compromise for $70,000.00, on terms of payment. They recommended that they be authorized to make a counter-proposition of $40,000.00, with terms; and at the meeting of January 3, 1876, they reported that Britton & Koontz had declined and countered for $50,000.00. No compromise was effected, and the case was decided in favor of the Parish, and on appeal to the Supreme Court of the United States, that Court, on April 14, 1879, affirmed the decision of the lower Court. The case of Glass vs. Police Jury was not tried in the U. S. Circuit Court until years later. It was decided in favor of the Parish. Glass appealed to the Supreme Court of the United States, and that Court held, January 29, 1900, that the Federal Courts had no jurisdiction of the case.[318] The suit was again instituted in the State Court, and was decided by the Louisiana Supreme Court in favor of the Police Jury.[319] This terminated this long litigation. The Parish was successful in resisting the payment of all this bonded debt save the Weldon compromise judgment and a judgment in favor of Est. of S. S. Boyd for $8,000.00 and interest and a judgment in favor of Peter Young for about $9,000.00 and interest. These judgments were finally liquidated in 1883 from special taxes. In the litigation, Sawyer was assisted by Judge E. C. Billings and James Beckwith of New Orleans.

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[317] 26th Louisiana Annual, p. 355.

[318] 176th U. S., p. 207; 20th Sup. Court Reporter, p. 346.

[319] 113th La. Reports, p. 544; 37th So. Reporter, p. 189.

At the *February, 1875, meeting* there were present: Nathan Lorie, President, and George L. Walton, George Washington (negro), Charlie Hall Sr. (negro) and J. S. Gaynor, members.

At the *meeting of January 2, 1877,* J. L. Rountree was elected President, J. P. Ball, Jr., (negro), Clerk; Judge Orin Mayo, Parish Attorney, Col. G. Spencer Mayo, Parish Treasurer, and Dr. W. T. Miller, Parish Physician.

At the *meeting of May 24, 1877,* present: J. L. Rountree, President, and Andrew Marshall (negro), Nathan Lorie, G. L. Walton, J. C. Ferriday, C. N. Hall (negro), J. B. Heiserodt, George W. Payne, Handy Walton (negro), and E. Pullin, members. Mr. Rountree tendered his resignation as President and Mr. Nathan Lorie was elected.

At the *meeting of August, 1878,* a strict quarantine was established on account of the Yellow Fever epidemic prevailing at New Orleans and other towns along the Mississippi.

At the *meeting of December 23, 1879,* the newly elected members qualified: P. Wingate Chase, Francis S. Shields, E. Pullin, J. L. Rountree, Handy Walton (negro), C. H. Hill (negro), Jake Jones (negro), and C. B. Burley. P. W. Chase was elected President and J. P. Ball, Jr., (negro), Clerk.

At the *meeting of April, 1880,* there were present: E. Pullin, Wm. G. Walton, Handy Walton (negro), A. Crothers, Jno. S. Boatner, E. W. Wall (negro), Francis S. Shields and F. L. Campbell. Absent—Dr. S. P. Hornsby, T. K. Green and H. B. Gaither. Francis S. Shields was elected President.

At the *meeting of July, 1884,* present: Sam Block, L. Lemunnier, K. Lehmann, R. C. Beard, Peter H. O'Ferrall and W. H. Harvey. Absent—W. H. Koerber and George Cross. Captain J. B. Heiserodt and J. B. Crothers, elected, refused to qualify. Sam Block was elected President, Gustave Lemle, Clerk, and R. W. Clayton, Parish Treasurer. An appropriation of $300.00 was made for the World's Exposition at New Orleans, and the following Parish commissioners appointed to get up a display for Concordia: L. Lemunnier, Charles Wade, William Shaw, J. L. Walton, J. C. Conner, Alex Campbell, James Pipes, R. Oakman, S. B. Yeager, Wm. Page, S. Chase, L. P. Ault, A. V. Davis, Jr., Gustave Lemle, W. H. Shields, R. C. Beard, W. T. Nalty, F. S. Shields, P. H. O'Ferrall, R. Ireland, A. Metcalfe, W. F. Griffin, T. K. Green, Chas. N. Beard, Z. W. Holmes, Sol Harris, C. B. Burley and S. W. Campbell.

At the *meeting of April 5, 1886,* present: Sam Block, President, L. Lemunnier, H. P. Bell, Karl Lehmann, S. B. Yeager, R. C. Beard, Peter O'Ferrall, W. H. Harvey, Joseph M. Wilson and George W. Cross, members, and Gustave Lemle, Clerk. The Police Jury memorialized the Legislature to prohibit the sale of liquor and other merchandise on Sunday. (Gustave Lemle afterwards moved to New Orleans, and was a lawyer of outstanding ability and a leader at the New Orleans Bar.)

At the *meeting of April 4. 1887,* an election was ordered on petition of property tax-payers to vote a five mill tax for ten years, in aid of the New Orleans & Fort Scott Railway, on condition that the Railway would build and have in operation, by January 1, 1890, a railroad from Vidalia to the Arkansas line; and at the meeting of July 6, 1887, the tax was declared carried.

At the *meeting of April 1, 1888,* President Block read a farewell report congratulating the Jury on their wise administration, in which he said:

> ". . . The rate of taxation is now lower, the roads are in better condition, more levees and bridges have been built during your term, and more cash is now in the treasury than at any time since the Civil War. Upon your advent, Parish warrants were selling at .65c on the dollar; there was no money in the treasury and a large outstanding indebtedness for the years 1871-1874. There were also outstanding judgments. This entire debt and interest has been paid and the Parish is now out of debt. Heretofore, the Parish tax has been 10 mills. You have reduced it to 8 mills. Parish warrants are worth dollar for dollar; and there is now $9941.36 in the treasury. This is the first time since the war that this condition has existed . . ."

At the *meeting of July 30, 1888,* present: L. Lemunnier, A. G. Ober, T. D. Barker, A. Crothers Sr., A. V. Davis Jr., H. H. Wilcox, J. C. Ferriday, W. H. Harvey, Dr. S. P. Hornsby and C. B. Burley. J. C. Ferriday was elected President. Gustave Lemle Clerk, and J. Surget Shields, Parish Treasurer. A "Local Option" election was called for the Tenth Ward; and at the meeting of January 7, 1889, the returns in favor of the "Drys" were promulgated. (No liquor licenses were ever afterward issued in that ward.)

At the *meeting of August, 1892,* present: J. C. Ferriday, A. J. McCearley, E. H. Jackson, R. G. Oakman, I. Friedler, W. F. Ogden, J. H. Pendleton, J. S. Gaynor. Absent—C. B. Burley and A. B.

Crothers. Officers elected for the term of four years: J. C. Ferriday, President; Philip Hough, Clerk, and Theo. E. Calvit, Parish Treasurer. A committee was appointed to wait on Governor Foster to seek further aid for the great number of people made destitute by the summer overflow.

At the *meeting of July 2, 1894,* resolutions were adopted in memory of Andrew W. Metcalfe, deceased, late Sheriff.

At the *meeting of January 7, 1895,* resolutions of regret at the death of Hon. J. C. Ferriday were adopted.

At the *meeting of February 4, 1895,* present: J. H. Lambdin, President, and K. Lehmann, I. Friedler, W. F. Ogden, J. H. Pendleton, J. S. Gaynor, C. B. Burley, J. K. Skipwith. Absent—A. J. McCearley. At the August, 1895, meeting, Mr. Lambdin having been appointed Sheriff, vice Andrew Metcalfe, resigned and Ignatz Friedler was elected President.

At the *meeting of September 4, 1896,* Mr. Lambdin having served out the unexpired term as Sheriff was reappointed to the Jury and reelected President. An ordinance was passed dividing the Parish into ten Wards, and fixing their boundaries, which are the same today.

At the *meeting of March 25, 1897,* resolutions were adopted in respect to the memory of the late T. K. Green, member of the Jury and Sheriff and later Representative in the State Legislature.

At the *meeting of July 2, 1900,* present: James P. Fagan, S. L. Lanius, E. F. Pipes, J. B. Roe, J. H. Ohlsen, Dan Snyder, W. H. Hudnall, A. T. Calvit, J. S. Gaynor and H. B. Nugent. James P. Fagan was elected President, John Dale, Clerk and Legal Adviser, and J. L. Rountree, Parish Treasurer.

At the *meeting of January 12, 1903,* memorial resolutions were adopted to the memory of the late James S. Gaynor.

At the *meeting of July 12, 1904,* present: George Scott, J. G. Claughton, Dr. J. W. Walker, J. P. Fagan, J. H. Ohlsen, W. G. Johnson, Edward C. Rhodes, A. T. Calvit, R. S. Wilds and P. C. Magoun. All officers reelected. A Parish Board of Health was appointed consisting of: S. W. Scott, C. B. Claughton, Dr. M. C. Reeves, J. A. Turpin, Dr. J. L. Clayton, R. P. Schiele, Dr. W. H. Pugh and Dr. C. H. Burley.

At the *meeting of September 1, 1905,* the Jury approved the strict quarantine established by the Board of Health against Natchez and other points, where a Yellow Fever epidemic was prevalent.

At the *meeting of July 2, 1906,* the Jury appropriated $100, as Concordia's contribution to the purchase of silver service for the battleship "Louisiana". (Congress has returned this silver service to the State, and it is now in the State Museum.)

At the *meeting of August 13, 1906,* contract was entered into with E. P. Alsberry & Son for the construction of a large number of steel bridges in the Parish.

At the *meeting of October 7, 1907,* J. H. Lambdin and Charles B. Burley were appointed a committee to visit Texas to obtain information on the *boll-weevil* and the most practicable method of fighting the pest. Mr. Rhodes was delegated to employ an Engineer and Manager to operate the traction road engine recently purchased. A committee was also appointed to buy mules, employ labor, etc., for road work. (This was the first effort of Concordia to build modern roads, and was a failure, though much money was spent.) The Boll-Weevil Committee made their report at the January, 1908 meeting, and it was ordered printed and distributed throughout the Parish.

At the *meeting of June 1, 1908,* present: Philip Hough, D. H. Britton Jr., J. P. Fagan, R. S. Carter, H. H. Gillespie, B. C. Brown, R. S. Wilds, A. T. Calvit, P. C. Magoun. Absent—D. M. Slocumb. Mr. Fagan was reelected President, John S. Boatner Jr., Clerk and Attorney, and J. L. Rountree, Treasurer. Dr. M. C. Reeves elected Chairman of the Parish Board of Health.

At the *meeting of April 4, 1910,* $1250.00 was appropriated to pay the Parish prorata of the expense of the U. S. Geological Survey, recently made.

At the *meeting of June 7, 1915,* a special election of property tax-payers was called to vote on proposition of levying a five-mill tax for ten years for constructing and maintaining roads; and at the meeting of August 5th, the proposition having carried, the tax was levied.

At the *meeting of June 5, 1916,* present: B. C. Brown, J. E. Burns, J. B. Crawford, H. L. Winston, J. W. Oden, C. B. Godbold, R. S. Wilds and H. K. Moreland. Mr. Brown was elected President. A committee was appointed to lay out cattle dipping vats, and President authorized to advertise for bids and let contracts for their construction.

At the *meeting of March 24, 1919,* present: B. C. Brown, President; J. E. Burns, S. L. Winston, R. S. Carter, S. L. Maxwell, C. B. Godbold, R. S. Wilds and H. K. Moreland. Absent—D. M.

Slocumb. The State Highway Department was requested to make surveys for gravel roads in the Parish. A special election was called on the proposition of issuing $800,000 of twenty-year five per cent bonds for the construction and maintenance of Parish highways. The meeting also authorized the issuance of $100,000 in bonds for the construction of a gravel highway from Vidalia, via Ferriday, to Clayton, to be liquidated out of taxes then available. The bond election carried and was promulgated at the meeting of May 10, 1919. Many meetings of the Jury were held in 1919 and 1920 to effectuate the negotiation of the bonds and to provide for surveys, rights of way and the obtention of Federal aid, etc. During the succeeding years to 1925, the Jury was very active in furthering execution of its road program. Besides the gravel roads constructed by the Parish and the State Highway Commission, and with Federal aid, much work was done on the dirt roads.

At the *meeting of June 17, 1924*, present: Abner Maxwell, S. L. Winston, R. S. Carter, S. L. Maxwell, B. C. Brown, C. B. Godbold, R. S. Wilds, H. K. Moreland and E. H. Lancaster. Absent—Clyde Falkenheiner. B. C. Brown was reelected President, John Dale, Jr., Secretary; J. L. Rountree. Treasurer and Dr. P. E. Magoun, Health Officer.

At the *meeting of January 19, 1926*, S. L. Winston was unanimously elected President; and at the meeting of May 18th, Representative H. B. Conner and Senator Brooks were requested to endeavor to secure more effective cattle-tick laws.

At the *meeting of December 6, 1927*, C. P. Seab, S. L. Winston, John Dale and S. L. Maxwell were appointed a Committee to go to New Orleans and confer with Secretary of Commerce Herbert Hoover in an effort to secure additional Red Cross aid for our flood-sufferers. The Lake St. John Game and Fish Preserve was established and G. H. Holloway, Dr. P. E. Magoun and John King were appointed members of the G. & F. Commission.

At the *meeting of July 17, 1928*, present: T. R. Clayton, J. E. Burns, S. L. Winston, R. S. Carter, S. L. Maxwell, B. C. Brown, C. B. Godbold, J. S. Staten and F. L. Campbell. Absent—Abner Maxwell. An appropriation of $1250 was made for the establishment of a Parish Public Library, on condition that a like appropriation be made by the School Board; and D. C. Strickler, B. C. Brown, J. S. Staten, F. L. Campbell and G. H. Holloway were

appointed a Library Board of Control. (This Library is now in a flourishing condition, with a central Library at Ferriday, and six branches, and is rendering a splendid service.)

The present (1931) personnel of the Police Jury is: J. S. Staten, President; B. C. Brown, Vice-President, and S. L. Maxwell, C. B. Godbold, F. L. Campbell, Dr. P. E. Magoun, S. L. Winston, Abner Maxwell and W. J. Lancaster, members, with Joseph M. Reeves, Clerk, and J. L. Rountree Parish Treasurer.

CHAPTER XVI.

STEAMBOATS, RAILROADS

IN 1810, Nicholas J. Roosevelt, of the celebrated Knickerbocker family of New York, which afterwards gave to the country a great President,* became associated with Robert Fulton and Robert Livingston in the experiment of building and operating steamboats on the southwestern waters. Fulton and Livingston were to furnish the capital, while Roosevelt was to investigate the feasibility of the project and superintend the construction and operation of the boat.

Thereupon, Roosevelt made a trip by flatboat from Pittsburg to New Orleans and return. He was thoroughly convinced that the scheme was practicable. The boat, which was christened the New Orleans, was built at Pittsburg, under his supervision, in 1811. She was 116 feet long, with twenty-foot beam, and 34-inch cylinder engine. There were two cabins, one aft for ladies, with four berths, and a larger one for gentlemen.

In late September, 1811, the New Orleans left Pittsburg on her maiden voyage. Mr. Roosevelt and his wife were the only passengers, and the trip was an exciting one. At Louisville, the boat was detained in getting over the falls, due to the low stage of the river. In the region of New Madrid, the severe earthquake shocks which practically destroyed that town, were felt; and the pilot claimed that the tremors had changed the channel of the river and frequently lost his way. Flooded rivers made the currents difficult to navigate. Finally, the stove in the cabin set fire to the wood-work, and the boat was saved only by heroic effort. The Indians were curious about this strange boat, which they called "Panalore" or "fire canoe." Natchez was reached in Decem-

* It is not now improbable that history will amend this to read: two "great" Presidents.

ber, 1811, and most of the populace was on the bluff to witness the event. Samuel Davis was there. An old negro drayman threw up his hat and said to Mr. Davis: "By golly, Mr. Sam, ole Mississippi got her massa dis time!" Mr. Davis was the only man to ship cotton on the boat, and it was probably raised on his Concordia plantations. The boat reached New Orleans January 8, 1812. Notwithstanding the pessimists, she made the return trip to Natchez successfully, and was regularly operated for some years in the Natchez-New Orleans trade.[320] Flatboat, keelboat and broadhorn soon surrendered to the march of progress. The New Orleans was soon supplemented with the old Vesuvius, a larger and finer boat.[321] Thus was inaugurated the great steamboat commerce, and the romance of the steamboat days on the river, so delightfully pictured for us by the inimitable Mark Twain in "Life On The Mississippi," and which reached its peak with the memorable race between the Natchez and the Robert E. Lee in 1870.

On April 9, 1811, the Legislative Council of Orleans Territory granted to Livingston and Fulton, and their associates and assigns, an exclusive franchise:

> "to build, construct and navigate all and every species or kind of boats, vessels or water-craft which may be urged or impelled through the water by the force of fire or steam, in all of the creeks, rivers, bays and waters whatsoever within the jurisdiction of this Territory, for and during the full term of eighteen years from the first of January next.",

with privilege of extension to January 1, 1832, "the rates of transportation never to be more than three-fourths of the average price now prevailing."[322] We assume that Roosevelt negotiated this monopoly on his observation trip, as it is prior in date to the maiden voyage.

In the issue of the *Concordia Intelligencer* of February 19, 1853, we find the advertisements of seven palatial steamboats plying weekly between New Orleans and Vicksburg—the *Southern Belle, D. S. Stacy, Princess, Princess No. 3, Natchez No. 2, Frank Lyon* and *Magnolia.* These advertisements illustrate the magnitude of the river traffic between these points before the Civil

[320] Claiborne, pp. 537-545.

[321] The history of the Vesuvius is found in suit of Lynch vs. Postlethwaite, 7th Martin (O. S.) 69,287. In 1818, Samuel Postlethwaite contracted to purchase her for the Natchez Steamboat Co. Contending unseaworthiness, he refused to accept delivery and suit followed.

[322] Acts 1811, Chapter 26, p. 112.

War, and the facilities which our *antebellum* planters had for visits to the City, to consult their commission merchants or to enjoy the gay social life of the metropolis.

Vidalia, Waterproof and Saint Joseph were busy shipping points. We also note in these boat schedules the towns of Bayou Sara, Rodney and Grand Gulf—all prosperous and busy towns in their day—"Ghost towns now."

The great fleet of Mississippi steamboats remained with us through the 70's and 80's. In the New Orleans-Black River-Ouachita trade, the writer recalls: the *Fred A. Blanks, Bob Blanks, John Howard, Corona, Ferd Herold, Ouachita,* and lastly, we may say, the *America.*

The following reminiscences by the late Captain Hugh Watson, published in the *Concordia Sentinel,* May 24, 1924, are well worth preserving:

> "I came from a family of river men . . . When the war broke out in 1861, we were living on the Atchafalaya River, and I can vividly recall the evening that the entire family, (except Father), boarded the Anna Perrett, bound for New Orleans. The boat was loaded with young and old men, all going to New Orleans to join the Confederate army. I spent the following six years in school in New Orleans, when, in 1867, my Father purchased a large tract of land in Jefferson County, Miss., just above Cole's Creek, and we moved to that place, and the remainder of my school days were spent in Natchez. It was there that I commenced to long for a life on the river, and I often slipped away from school to take a trip up or down the river at Dad's expense.
>
> The Bob Lee, Natchez and Belle Lee were my favorite boats . . . The river during the last three years of the 60's and all of the 70's and most of the 80's, was a mass of floating palaces, and I have counted in one day as many as nineteen steamboats passing our landing, bound up and down the mighty stream. In those days, during the cotton season, I have noted that a boat left New Orleans every day, bound for Vicksburg and the Bends above up to Greenville.
>
> The grand steamer Robert E. Lee, the Natchez, Frank Pargoud and the Katie all had their day, followed by the Ouachita Belle, John Kilgore, Pargold (stern-wheel), W. S. Pike, Ed Richardson, Henry Tate, John W. Cannon, T. P. Leathers and many others. The Frank Pargoud and J. M. White were engaged in running between New Orleans and Greenville . . .

I well remember the day that the Robert E. Lee left Natchez with over 5300 bales of cotton aboard, picking up a few more bales below Natchez, and landing at New Orleans with 5741 bales, which at the time was considered the largest load on a single haul that ever landed at New Orleans. Then came the Exporter, out of White River, with 6300 bales, when steamboat men thought that the limit had been reached; when, lo! the venerable J. Frank Hicks, with the Henry Frank, out of the Arkansas and White Rivers, touched the New Orleans wharf with the tremendous cargo of 9226 bales of cotton and 400 sacks of cotton seed, and that load remains as the banner load of cotton to this day. The Ed Richardson was built to carry 12,000 bales, but she could never collect that amount on a single trip. She was a complete failure and her owners sunk a fortune in her.

The Charles P. Coteau and Mary Belle were in the New Orleans and Memphis trade. The Mary Belle was burned at the Vicksburg wharf with 5,000 bales of cotton aboard . . . The Steamer Robert E. Lee burned at Yucatan Landing, a few miles above Grand Gulf; the Natchez (last of seven of that name), sank opposite Lake Providence. The J. M. White burned at St. Maurice, five miles above Bayou Sara. The Ed Richardson was dismantled, and so was the Frank Pargoud and Henry Frank. The Thompson Dean, Magenta, John Howard, Grand Era and Julia A. Randolph all went up in smoke at the wharf in New Orleans, but no lives were lost.

I have seen the Robert E. Lee, the Natchez and the J. M. White leave New Orleans with every state-room crowded, and many were compelled to keep awake or sleep in chairs until the boat got above Baton Rouge . . . The cuisine of those palatial boats was surpassed by none of the finest hotels of any city in the country; many carrying a string band, and after the evening meal, the tables were cleared and the long, magnificently illuminated cabin was converted into a perfect ball-room, where beauty and chivalry danced to their hearts' content. Gambling was open as a sunny day. Many of the light-fingered gentry simply lived aboard those great passenger steamers, and many has been the passenger that walked the gang-plank, disembarking at his landing, stripped of his last dollar. I saw a game of poker being indulged in, in the barber-shop of the Steamboat Katie, when the sum of $16,000.00 was the bet at a single time, and was won by an "ace full!" Even the lowly roustabout had his pleasures, which he expressed in tuneful melodies in the forecastle.

I was a school boy at Natchez when the great race between the Lee and the Natchez took place in 1870. I

well remember seeing Captain Dick Holmes, with the horns of the Princess in his arms, getting aboard the coal flat that went out to meet the Lee (the Lee did not touch the wharf), and handing them to Captain John W. Cannon as the winner for the fastest time between New Orleans and Natchez—16 hours, 36 minutes and 47 seconds . . . I can see the Natchez, some fourteen minutes behind the Lee, coming into the wharf; and in hurrying to get out, she almost tore a side off the wharf-boat. I do not think a more exciting day has ever occurred at Natchez since that memorable race. It was estimated that at least 25,000 people crowded the bluff to get a glimpse of the racers.

I cannot close these reminiscences without a word for the gallant commanders of these floating palaces. All were of the manner born—men of the most dignified and courteous mien—the loved Captain J. M. White, Captain William Campbell (who was in command of the Lee when she burned), Captains J. W. Carlton, Jack Blanks. Fred Blanks, the lamented Captain Joseph Holmes (who literally roasted to death when the John Hanna burned at Plaquemine), and last, but not least, Captain W. R. Greathouse (the man with the white beaver), of the New Orleans and Upper Coast trade. They were all ready to face death and knew no such word as fear . . .

The loss of the Robert E. Lee cost 52 lives; the burning of the J. M. White cost some thirty lives. The loss of the Corona, of the Ouachita trade, was one of the saddest—it almost wiped out all of the old-time steamboat men at the time her boilers exploded at Prophit's Island."

Our fellow-townsman, John C. Gibbs is one of the old steamboat veterans. He began as an engineer on the Salado, in the Tensas River trade, in 1868. He was on the Pargoud in 1870 and witnessed the beginning of the race between the Natchez and the Lee; and was engineer on the Lee for five years, leaving the river in 1881. He has a most interesting and valuable collection of photographs of the old packets and his reminiscences are most entertaining.

In this day of efficiency and mass-movement, the Mississippi River Barge Line, according to official statistics, carries a much greater annual tonnage than the combined steamboat fleet ever did. The barges slip by, unheard and unnoticed—ugly engines of efficiency! The romance of the river is no more!

We cannot refrain from concluding this subject with the beautiful poem written by Will S. Hays, Marine Editor of the *Louisville Courier Journal*, in memory of Captain J. M. White:

"CAPTAIN J. M. WHITE"[323]

HIS LAST TRIP

Mate, get ready down on deck,
I'm heading for the shore,
I'll ring the bell for I must land
This boat, forevermore.

Say, pilot, can you see that light?
I do—where angels stand.
Well, hold her jackstaff hard on that,
For there I'm going to land.

That looks like death a hailing me,
So ghastly grim and pale,
I'll toll the bell—I must go in,
I never missed a hail.

Stop her! Let her come in slow;
There! That will do—no more,
The lines are fast and angels wait
To welcome me ashore.

Say pilot, I am going with them
Up yonder through the gate,
I'll not come back—you ring the bell
And back her out—don't wait.

For I have made the trip of life,
And found my landing place—
I'll take my soul and anchor that
Fast to the Throne of Grace."

Albert H. Gillespie tells us that the first railroad in Concordia Parish was a little "narrow-gauge", about two or three miles long, which extended from the river, a few hundred feet above the Court House, out through the Carter plantation to the bank of Lake Concordia. It was constructed in 1875 or 1876 by H. M. Gastrell and Judge Thomas Reber, and was operated in transporting freight to, and cotton and cottonseed from Lake

[323] Newspaper clipping, scrap book of late Allen Bowie of Natchez. Date not preserved.

Concordia. At that time, the river had not cut into the Lake, and there was no levee across the head of Bayou Cocodrie. A small steamboat was operated in the Lake, connecting with the railroad, taking up freight as far as Pittsfield and bringing down cotton and cottonseed. From the testimony of Wilmer Shields and Captain J. C. Aust, in the suit of Brown & Learned vs. Wallace,[324] we learn: that the river cut into the Lake in 1880, and during that year the levee was built, severing Bayou Cocodrie from the Lake. This steamboat was the Spottsville, commanded by Captain Aust, who took her into the Lake via Red River and the Bayou.

In 1881, the Natchez, Red River & Texas Railroad was chartered, the incorporators being: Thomas Reber, Sam Block, R. F. Learned, Hiram R. Steel, George W. Koontz, P. W. Chase, L. H. Clapp, H. B. Gaither, Will T. Martin, Francis S. Shields, Henry Frank, I, Friedler, James Surget, with Hiram R. Steel as President—the object being to build a railroad form Vidalia to Black River, opposite Trinity. The Company then built a little "narrow-gauge" road out to Concordia—nine miles—and acquired a little locomotive and a few cars. When it was put in operation, the Gastrell & Reber road was abandoned.

In 1885, the Company entered into contract with the Arnold Construction Co. to build the road on to Black River; and to rehabilitate the old trackage and rolling stock and to furnish additional equipment. The road was completed and in operation in 1886, and, for several years, was under the management of C. A. Gardner for its owner, Mrs. Lucy A. Hale, who had acquired the property. In the course of time, lacking financial support, the roadbed and rolling-stock became so dilapidated as to be almost unusable—the cars swayed from side to side, worse than an Irishman attempting to wend his way homeward while on a Christmas spree. The bridges were supported by rough pens of cord-wood; the water-tanks would not hold water; and the engineer and other trainmen, sometimes assisted by the passengers, administered the necessary liquid refreshment to the ailing locomotive from the numerous bayous that were crossed. A trip from Vidalia to Jonesville became an adventure, requiring much hardihood and steadiness of nerve, and plenty of time.

In 1904, A. E. Davis acquired the road, selling it to the Iron Mountain interests in 1905. The Iron Mountain rebuilt it—

[324] Original record, Docket No. 1066.

standard gauge; and in 1917 they leased it to the Louisiana & Arkansas, and the old track from Concordia Station into Vidalia was torn up.

Our next railroad was the New Orleans, Natchez & Fort Scott, commenced in 1889, and changed to the New Orleans & Northwestern. This road was completed in the early 90's, and was subsequently taken over by the Iron Mountain, and is now a part of the Missouri Pacific System.

In 1903, the building of the Memphis-Helena & Louisiana road, from Ferriday to McGehee, was begun, and was completed the next year—a part of the Missouri Pacific system.

In 1901, the Texas & Pacific began acquiring rights-of-way in the Parish for its Port Allen branch, and this line was completed and in operation in 1904.

CHAPTER XVII

PUBLIC EDUCATION

WE HAVE NOTED the building of the first school house in Concordia. Our first administrators of schools, David B. Morgan, David Lattimore and John Minor, were appointed by the Board of Regents of the University of Orleans, to whom was delegated the management of the educational activities of the Territory by the Act of 1805. That act failed to make provision for the financial support of the public schools.[325] In 1817, Lattimore, Morgan and Minor having removed from the Parish, the Regents appointed Arthur Andrews, John Perkins and Norman McGinnis to succeed them.[326]

Prior to the Civil War, there was comparatively little financial provision for public education in Louisiana. Public lands for school purposes had not long been made available. The Legislature authorized the conducting of *lotteries* to raise public school revenue.[327] Besides their questionability from a moral standpoint, these lotteries were uncertain sources of revenue. Many of our residents in the vicinity of Vidalia patronized the primary schools and academies in Natchez.[328] Wealthy planters educated their sons and daughters at the leading colleges and universities of the South, and many of them were well educated and highly accomplished. Private tutors were also employed.

[325] Also Act May 2, 1806, C. 4, p. 8; Chambers, Vol. 1, p. 565.
[326] Original document—Archives.
[327] Chambers, Vol. 1, p. 569.
[328] Many advertisements of these schools carried in Concordia Intelligencer during the 40's and 50's.

From the census of 1840, we find that there were three Primary schools in the Parish, with total enrollment of 49 pupils; in 1850, we find five schools, with five teachers and an enrollment of 150.

One of our early educators of note was Caleb G. Forshey. He had been a professor in Jefferson College (Miss.). The *Concordia Intelligencer* of February 27, 1847, informs us that Professor Forshey was "using the jail for our village school house". In 1841, the Legislature appointed Forshey on a commission to make a geological survey of the State; and in 1842 an appropriation of $1800 for services was made to him. DeBow's Review of May, 1850, speaks of a survey by Professor Forshey, but the manuscript of the report was lost before it reached the printer.[329] In the 50's, Prof. Forshey moved to Texas, where he founded the Texas Military Institute. He was a witness before the Joint Committee of Congress on Reconstruction in 1866.

During the period of Reconstruction, educational efforts were at a low ebb. That hideous reptile, "social equality" attempted to writhe its way over the thresholds of the white public schools. Art. 135 of the Constitution of 1868 provided that all children

> "shall be admitted to the public schools on other institutions of learning sustained . . . by the State, without distinction of race, color or previous condition. There shall be no separate schools or institutions of learning established exclusively for any race by the State", and

Article 136 prohibited any municipal corporation from making "any rules or regulations contrary to the spirit and intention of Article 135". While no serious attempt was made to enforce these odious provisions, the negroes were given practically all the schools. School funds were dishonestly administered. Negroes were members of our School Board, and old Dave Young was its Secretary and Treasurer. From the *Concordia Eagle* of October 2, 1875, of which Dave Young was the publisher, we glean this item:

> "The Board of School Directors of Concordia Parish was in session *at the residence of Hon. Dave Young,* Secretary, last Tuesday and Wednesday, as per previous notice, for the purpose of examining applicants for the position of teachers in the public schools. There was quite an attendance of citizens interested in the schools, who expressed themselves well pleased with the result."

[329] Fortier, Vol. 1, p. 369.

Dave Young was charged with misappropriating some $34,000 of school funds, and a subsequent School Board, of which General J. Floyd King was President, brought suit for its recovery.[330] The suit was later compromised for $500.00.

From General King's report to the State Supt. of Education, October, 1877, we find that, at the beginning of his incumbency as President, there were five white schools in the Parish with an enrollment of 80 pupils. The average salary of teachers was $30 per month; number of white school houses, four; value of school houses, $600; value of school apparatus, $28; books used: "Various—any that could be obtained."

Quoting from this report:[331]

> "The public school system under Radical rule, here as elsewhere, was simply an adjunct of party machinery, and unsatisfactory to the inhabitants of the Parish. Hitherto, but one white free school has been opened in this Parish—and that for limited periods only—since the war. The white citizens, though paying the greater portion of the taxes, have hitherto been utterly disregarded—with the one exception above referred to—in this vital respect. I know of but one white private school in the Parish".

General King was a Georgian. He served in the Confederate Army in Virginia and was mustered out as a colonel of artillery. After the war, he came to Concordia Parish and engaged in planting and practicing law. He was appointed Brigadier General of State Militia, and a trustee of the University of the South. In 1878, he was elected from this District to the 46th Congress and was reelected to the 47th, 48th and 49th Congresses.[332]

Up to about 1900, the school buildings of this Parish were all one-room, frame buildings, with one teacher and very short sessions. In 1897 a four-room, frame school building was erected at Vidalia, largely through the efforts of the late Mrs. Hovey (Miss Julia Dale), its Principal.

Outside of Vidalia, our educational progress had its inception after 1900. Prior to 1905 there was a paucity of school revenues, but in that year was begun the creation of special school districts, the voting of special taxes and the flotation of building and maintenance bonds. In 1907, three bond issues were voted for the erection of large frame school buildings at Monterey, New Era and Acme.

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[330] School Board Concordia Ph. vs. Hernandez, 31 La. Ann., p. 158.
[331] Documents 2nd Sess., 5th Legislature, (1878), pp. 63-68.
[332] Fortier, Vol. 1, p. 619.

In 1911, the Vidalia District voted an issue of $20,000 from which our present brick High School building was constructed. In 1916, the Ferriday District voted a like bond issue, from which the first of the two modern brick structures that now constitutes their High School plant was built. In 1923, the brick High School building at Monterey was erected, costing $40,000; and, later, the second building was erected at Ferriday, and the old building reconditioned, at a cost of $75,000. Other frame buildings were erected at several points. Nor were the negroes neglected. Commodious high school buildings for them were built at Vidalia and Ferriday, and at other points, the Rosenwald fund supplemented the local building program. There has also been a consolidation of schools, made possible by an efficient system of school-bus transportation over our improved road system.

In 1908, our total school revenues were $18,975.86; in 1920 they had increased to $58,730.12; in 1923 to $106,780.00 (largest bond-issue year), and in 1925 they were $83,510.50.

In 1908, we had: 26 white schools, with 50 teachers, and 32 negro schools, with 31 teachers. In 1925 there were: 18 white schools, with 41 teachers, and 26 negro schools, with 26 teachers. The reduction in number of white schools and teachers resulted from improved transportation facilities and consolidation.

In 1908, the white enrollment was 566, and the negro enrollment 1084. In 1925, white enrollment was 785, and negro 1045.

In 1908, the total of salaries paid white teachers was $13,500.50, and in 1925 it was $43,968.44.

From 1900 to 1904, R. L. Castleman was President of the School Board, with J. E. Schiele as Secretary and Parish Superintendent. From 1904 to 1908, Benjamin Y. Wade was President. J. H. Ohlsen was President from 1908 to 1916; and John Dale, the present incumbent, has been in office since 1916. David C. Strickler, present incumbent, has been Secretary and Parish Superintendent since 1904.*

We are indebted to Prof. Jesse S. Burris, Principal Vidalia High School, author of an interesting monograph, *The History of Education in Concordia Parish* for much of the information contained in this chapter.[333]

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* Professor Strickler died March 9, 1933, and Prof. Jesse S. Burris elected to vacancy.

[333] Submitted faculty of La. State University and A. & M. College in partial fulfillment of requirements for Master's Degree.

CHAPTER XVIII

FERRIDAY

PRIOR to the fall of 1903 the site of Ferriday, the metropolis and railroad center of Concordia Parish, was a cotton field, part of the Helena Plantation, owned by the Realty Investment Company. The location of Ferriday was selected by the Texas & Pacific and "Iron Mountain" railways as a terminal point and site for the establishment of railroad shops.

In the fall of 1903, the Investment Company laid out the town, which is located on parts of Sections 27, 28, 29 and 57, in Tp. 8 N., R. 9 E. Section 57 was a Spanish grant confirmed to Jonathan Thompson, and the other sections were public lands. The town was named in honor of the memory of J. C. Ferriday, an earlier owner of the Helena Plantation and a leader in the political, business and social life of the Parish for many years prior to his death in 1894.

We take the following from an interesting memoir written by one of his daughters, Mrs. R. Lee Wood, which appeared in the *Ferriday Enterprise* of January 15, 1927:

> "In 1827, Helena Plantation, which contained about four thousand acres, came into the possession of my grandmother, Helen Smith, a wedding-gift from her father when she married William Ferriday, my grandfather . . . My father, J. C. Ferriday, was educated in the north, and took a trip with his tutor, Mr. Cattell, to the Holy Land, and was gone a year . . . On his return, he was employed by the Pennsylvania Railroad . . . He later came to take charge of the Helena Plantation, and on December 23, 1868, was married to Annie Hyde Pendleton of Natchez, and to whom five children were born: Helen, Mrs. R. Lee Byrnes; Jennie, Mrs. R. Lee Wood; Mary, Mrs. C. A. Gordon; Emily, Mrs. John D. Vincent, and a son, B. Pendleton Ferriday . . ."

Among the pioneer citizens of the town who purchased lots, erected buildings and engaged in business activities there were: Leopold Godchaux, Henry Godchaux, H. Kahn, James C. Cochran, Luther Fields, Henry C. and Mrs. Carrie M. Sevier, Thomas H. Johnston, W. H. Worsham, B. C. Brown, Roman Miller, L. C. Levee, Joseph and Tony Brocato, D. B. Fleming, and the two physicians, Dr. Truman Reeves and Dr. A. J. Hodges. Coming

along a little later, among others, there were: A. J. and L. H. Brothers, J. E. Ormsby, the Pasternacks, A. B. Hagle, M. M. Perkins, P. H. Corbett and Mr. and Mrs. John C. King.

Ferriday was incorporated as a village in 1906, and one of its first settlers, the late Thomas H. Johnston, was appointed by Governor Blanchard as its first mayor. At the first town election, in April, 1907, H. S. Jackson was elected to that office. He was succeeded by Henry Clay Sevier for a term of two years; and Mr. Sevier was followed by Daniel B. Fleming, who was elected in 1909 and served until 1916, when Mr. Johnston served another term. Mr. Fleming again held the civic reins until 1922, when P. H. Corbett, present incumbent, was elected.

On August 13, 1907, the Ferriday State Bank was incorporated, with a capital stock of $50,000, and with the following directors and officers: William G. Walton, T. H. Johnston, J. L. Clayton, W. H. Hudnall, J. T. Reeves, B. C. Brown, W. C. Morse, Henry Goudchaux and L. Rogers, with Mr. Walton as President and D. B. Fleming as Cashier. The bank was operated for some years and was then merged with the Bank of Vidalia; and it is now a unit of the Concordia Bank & Trust Company, with D. B. Fleming as its Manager.

On account of its superior transportation facilities, Ferriday has always been, more or less, an industrial town. In 1910, the Ferriday Hoop Company was organized by the late J. E. Ormsby, and a large hoop mill was erected on a site donated by the town. It gave employment to a large force of men and was developed into an extensive and prosperous enterprise. Another early industry was the Ferriday Cooperage Company, established by the Messrs. Brothers. J. M. Jones established a large saw mill plant, which was only recently destroyed by fire. Another important industry was the saw mill of the Fisher-Heard Lumber Company, now the Fisher Corporation. This model saw mill plant is one of the largest in Northeast Louisiana, and gives employment to several hundred men. Its hardwood timber holdings are the largest in the Parish.

Being also a center for cotton concentration, a cotton compress was built by the Ferriday Compress & Warehouse Company in 1926. The wholesale grocery firm of Rothschild & Lyons began business in 1921 and Geisenberger & Friedler commenced a similar business about the same time which has developed into large volume.

Ferriday has always enjoyed unusually good hotel facilities for a small town. The first hotel in Ferriday was built by H. C. Sevier, and under the able management of the late Mrs. Carrie M. Sevier, was noted all over Northeast Louisiana for its splendid service and excellent cuisine. The splendid new King Hotel was completed in the summer of 1927.

The Johnston Hotel, built in the earlier days, and catering more especially to skilled labor, was destroyed by fire with several other buildings on the night of January 4, 1926. Eight persons, guests, were entrapped on the second floor of the hotel and lost their lives. A number were injured in leaping from the burning building.

With the building of the gas pipe line from the Monroe field to Baton Rouge, in 1927, a large compression plant was erected near Ferriday, employing many men; and a local gas distribution system was installed in 1928. Some years prior, the municipality installed an electric light and water works plant.

In 1906, a small one-room frame school house was built in Ferriday, with Miss Corinne Hutcherson, now Mrs. J. T. Reeves, as the first teacher. Ferriday has reason to be proud of her four handsome churches—Methodist, Baptist, Presbyterian and Catholic.

According to the 1930 census, she has a population of 2502 persons.

(To be Continued)

NEW ORLEANS AND THE WAR OF 1812

By REED MCC. B. ADAMS
New Orleans, La.

SECOND INSTALLMENT

(Continued from April, 1933, Quarterly)

CHAPTER II

HISTORICAL RESUMÉ DOWN TO 1814

IT WAS December 20, 1803 that W. C. C. Claiborne, governor of of Mississippi Territory, received Louisiana for the United States from the French,[1] in accordance with the treaty of purchase which had been concluded earlier in that year.[2] After a short term as its provincial governor, Claiborne became the governor of the Territory of Orleans by an act of Congress which divided the Province into two parts, the lower part (presently Louisiana) composing his domain, the rest being assigned to the Territory of Louisiana created in the same statute.[3] By a subsequent act the city of New Orleans was made a port of entry and delivery, and the town of Bayou St. John a port of delivery.[4] This marks the beginning of the rise of New Orleans as the leading port of the Southwest. Bienville, when he laid off the quadrilateral of the town near the Indian portage to Bayou St. John, the most direct route to the Mississippi coast, had planned for a city of 10,000[5] which total had been reached by 1803.[6] But for the transfer of Louisiana to the United States it is unlikely that the population of New Orleans would ever have exceeded this figure by very much. The drainage system of which the 15 foot ditch dug by Carondelet was an example,[7] was not improved on by American supervision. Open gutters continued to carry the ref-

[1] Martin, *op. cit.*, pp. 297-98.
[2] American State Papers, *Foreign Relations*, II, 522 ff.
[3] Act of March 26, 1804, 2 Statutes at Large 283 East Louisiana (the Florida Parishes) was not comprised within those limits but was added by Congress when the Constitution of 1812 was approved.
[4] Kendall, *op. cit.*, I, 70.
[5] H. E. Chambers, *A History of Louisiana* (New York, 1925), I.
[6] Gayarré, *op. cit.*, III, 622.
[7] Chambers, *op. cit.*, I, 374.

use to shallow canals which were only flushed by heavy rains.[8] However, waterworks were established in 1810 when relays of slaves, working a hand pump on the levee at Ursuline Street, filled a reservoir from which hollowed cypress logs conducted thin, yellow streams to a few subscribers.[9] The floods which periodically swept over the levees in 1780, 1785, 1791, 1799 were also checked by improving the levees, first undertaken by Perier in 1727,[10] and no further difficulty was experienced from this source until after the beginning of the War of 1812.[11]

When with the termination of Spanish ownership the shipments of silver from Vera Cruz to Louisiana ceased, the scarcity of a circulating medium thus created induced Claiborne to establish the Louisiana Bank with permission to extend its capital not to exceed 2,000,000 dollars.[12] The idea of a bank did not take for some time but by October, 1810, the people of New Orleans must have become interested in finance because a New Orleans newspaper contained an article suggesting depression, etc., in Europe, especially in *English Bank notes.*[13] The next month there appeared another account of the depression of English currency.[14]

Whether at first Claiborne fully appreciated the international aspects of New Orleans or not one does not know, but as early as May 1811, he recognized its national status by objecting to a proposed bankruptcy law as too local.[15] Another important event which took place before Louisiana became a state was the organization of the University of Orleans, August 8, 1811. Its organic regulations which were published fifteen days later consisted of three titles: (1) of the administration; (2) of the branches of education; (3) of discipline. Parts of three articles of the second title which may prove interesting are given below:

> Art. 20th. . . . . The objects of education in the Orleans College shall be Religion, the French, English, Spanish, and Latin languages, Philology, Philosophy, with the useful and ornamental arts.
>
> . . . . . .
>
> Art. 23rd. . . . . Every three months an examination shall be held by the principal and the professor of each class.

[8] Kendall, *op. cit.*, II, 565, 575.
[9] Rightor, *op. cit.*, p. 126.
[10] Gayarré, *op. cit.*, I, 381-82.
[11] Kendall, *op. cit.*, I, 167.
[12] Martin, *op. cit.*, p. 323.
[13] *La. Courier*, October 22, 1810. Louisiana State Museum Cabildo hereafter cited L. S. M. C.
[14] *Ibid.*, November 9, 1810.
[15] *Ibid.*, May 1, 1811.

> Such students as at the examination to be held at the close of the scholastic year, shall appear not to have made sufficient progress to enter into a higher class, shall remain in the class they are in.
>
> . . . . . .
>
> Art. 25th. . . . . The class of philosophy will comprise logic, natural philosophy, history and the higher branches of mathematics.[16]

Apparently the appreciation of "culture" had begun. Passing by the other events of the period from 1805 to 1811 except to mention that Governor Claiborne and his subjects were in almost continuous open breach, there being few points on which the Creole and the frontiersman could act in unison, we come to the admission of Louisiana as a state.

Following the precedent established in the case of Ohio, Congress passed an enabling act early in 1811 under which a convention met at New Orleans, November 4, 1811, for the purpose of forming a constitution for the proposed state of Louisiana. The constitution evolved was based on the second Kentucky constitution framed in 1799, the retention of the French law being all that the representatives of the old Louisiana could obtain for their constituents.[17] The delegates elected to carry the constitution to Washington, and present it to the proper authorities, did not succeed in having it acted on until March, 1812, but on the nineteenth of that month the House of Representatives resolved itself into a committee of the Whole on the bill for admission of Louisiana into the Union, and the extension of the laws of the United States thereto. When an amendment was presented giving four representatives in the State Legislature to that part of West Florida which was proposed by the Bill to be annexed to the State now formed of the Orleans Territory,[18] the Senate disagreed to the amendment, and the bill passed finally through both houses without the clause annexing West Florida. It was approved by the president on the eighth of April. The sixth section declared that the act of admission should commence and be in force from and after April 30, 1812. Almost simultaneously with the act for the admission of the State of Louisiana another act had been passed and approved to enlarge the limits of the

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[16] L. S. M. C., *La. Courier*, August 23, 1811. See the full history of this institution. La. Hist. Quarterly 14, 65-78. Schools of New Orleans during the First Quarter of the 19th Century by Stuart Grayson Noble.

[17] Paxson, *op. cit.*, p. 148.

[18] Gayarré, *op. cit.*, IV, 276.

State, and August 4, 1812, the Legislature of Louisiana approved of and consented to the arrangement for the enlargement of the limits of Louisiana which thus included West Florida, giving Louisiana its present boundary.[19] A copy of the Constitution or form of Government for the State of Louisiana began in the *Louisiana Gazette* May 8, 1812,[20] and was concluded the next day with a statement that it had been universally well received.[21] The passage of the act for the admission of Louisiana as a State was not announced in New Orleans until May 26, 1812.[22]

While the people of Louisiana were occupied attaining statehood, they did not overlook the possibility of war, national and international affairs were carefully followed, and at the time Louisiana was admitted into the Union it was realized that war with England could not be far distant. No doubt it was an appreciation of this feeling which induced the editor of the *Louisiana Gazette* to print the following:

COMMUNICATION

> During the present dearth of news permit me Mr. Printer, or Mr. Editor, (which ever appellation pleases you) to look a little into things to come; that is in plain English to prophesy; not altogether in the Yankee style of guessing, nor by astrology, but by due observations of men and things.
>
> Now, sir without further preface of opology (sic), I prophesy that we shall have war the present year with England, that hostilities will commence in the month of June southerly, that the U. States troops will take Mobile and Pensacola, and if the people of Georgia have not taken St. Augustine and all East Florida before the first of July, that the troops westerly will be marched to their assistance; that soon after a British squadron will summon Pensacola to surrender, which will be rejected with disdain, a hard battle, for the numbers, will be fought, one British frigate will be blown up, and the rest of the squadron obliged to put to sea. In the north the war will commence in July;—Fort Erie, Fort Malden, and the island of St. Joseph near Lake Superior, and all the province of Upper Canada, will be in the possession of the United States by the 1st of September, General Dearborn on his march to Montreal, will die in August on Lake Champlain and the expedition will fail.

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[19] *Ibid.*, IV, 280.
[20] L. S. M. C., *The Louisiana Gazette*, May 8, 1812.
[21] *Ibid.*, May 9, 1812.
[22] *Ibid.*, May 26, 1812.

> Two great men in our cabinet at Washington will quarrel after the failure of the Montreal expedition, and the proposals will be made for peace with England—Bonaparte will oppose it. About this time an insurrection will take place in Pennsylvania opposing the direct taxes and excise law. Mr. Gallatin will be removed from the office of the Treasury, and, afraid to return to his estate in Pennsylvania, he will become an inhabitant of Albany and will write a large book.[23]

The part of the prophecy which anticipated war with England was fulfilled when, June 18, 1812, Madison approved an act declaring war between the United Kingdom of Great Britain & Ireland & the dependencies thereof, & the United States of America and their Territories. This act declared:

> Be it enacted by the Senate and House of Representatives of America in Congress assembled,—That War be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their territories; and that the President of the United States be and is hereby authorized to use the whole land and naval forces of the United States to carry the same into effect, and to issue to private vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the same United Kingdom of Great Britain and Ireland, and of the subjects thereof.[24]

As soon as it was known in New Orleans that we had finally gone to war with Great Britain it was expected that the first act of the President would be to order troops to take over West Florida, and when no order was forthcoming he was accused of lack of initiative.[25] Not so their governor, however, for on July 31, 1813 Claiborne, in his inaugural address to the Legislature, taking into consideration the state of the country, strenuously recommended a thorough organization of the militia, which until then had been far from effective.[26] Claiborne had been preparing for a war

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[23] *Ibid.*, May 23, 1812.
[24] *Ibid.*, July 10, 1812.
[25] *Ibid.*, July 17, 1812.
[26] Gayarré, *op. cit.*, IV, 283.

against West Florida for some time. His letter to Commander Shaw of the United States Navy, May 2, 1812, was prompted by more than a meticulous regard for his duty as governor:

> Naval Commander
> Sir,
>
> Having understood that an Inhabitant of this Territory, was specially authorized to purchase a quantity of flour for the use of the Garrisons at Pensacola & Mobile, & observing in a hand Bill just published a letter from a Member of Congress which announces that a General Embargo for Ninety days had been laid by the Congress of the U: States, I request you to give orders for the detention of all Vessels bound to Pensacola or Mobile, & charged with *provisions of any kind.* The probability is, that by tomorrow's Mail we shall have official advice of the Embargo. In the meantime however I deem it right & proper *upon the information before me,* to detain for the present, all supplies destined for the Garrisons aforesaid.[27]

Nor was Claiborne's notion a wild dream. In a letter to James Monroe, July 20, 1812, he showed that he was fully alive to the importance which the possession of West Florida held for the inhabitants of Louisiana and the other residents of the Mississippi valley:

> Secy of State
>
> Your dispatch of the 19th Ulto furnished the latest intelligence which I have received from Washington.—General Wilkinson is here, & making the necessary dispositions of the Troops under his orders.—For the present, I cannot afford him all that Co-operation, which I desire;—I am at this time governor of the State *in expectancy only;* it is understood that I have a great Majority of the people, & the general opinion seems to be, that the Legislature (which will be in session in 9 days) will sanction the popular sentiment in my behalf; But until my nomination is confirmed, I feel a delicacy in taking any measures, with a view to permanency, & indeed my present powers (as Governor pro: Tem: under the Constitution) do not permit it.—A new Spanish Governor has arrived at Pensacola accompanied by 150 Troops Men of Colour & Blacks & Mobile stil (sic) remains in the quiet possession of the Spanish Authorities.—I consider the taking immediate possession of Pensacola & Mobile absolutely essential to the safety of this section of the Union, & I learn

[27] Rowland, Official Letter Books of Governor W. C. C. Claiborne, 1801-1816, VI, 92.

with great regret, that Genl. Wilkinson has no orders to that effect.—Considerable supplies of flour & salted provisions have been exported from hence to Pensacola & Mobile & since the Declaration of War, the shipments to these places augment daily.—We have much contradictory information, relative to the State of things in Mexico.—It was a few days since reported, that the patriot Chief Rayon was killed, & that his second in Command Morales had been defeated.—But this is now contradicted, & the patriots are represented to be in peaceable possession of the whole Country, except Vera Cruix (sic), the City of Mexico, & very few interior *provences*, to which it seems the Revolutionists, have not yet turned their attention.—A very respectable Citizen of this State, who was formerly in the Spanish service, put into my hands the other day some reflections he had committed to writing relative to the State of things in Mexico; A perusal may not be uninteresting & therefore I take the liberty of enclosing you a Copy.[28]

It is evident from this that Claiborne, a true southwest expansionist, was keeping an eye on all logical conquests.

For the first year or two of the war little active part was taken by New Orleans. The only expedition sent out by Brigadier-General Wilkinson, who took command on July 15, 1812, was a steamboat sent down to Fort St. Philip for the purpose of reconnoitering. It returned September second without having seen a sign of the enemy.[29] But Claiborne, as governor, was kept quite busy conciliating the neighboring tribes of Indians. August 4, 1812 he sent a letter to Simon Favre, Indian agent:

Pearl River

——— ———

Sir,

Having received information that the Chactaws (sic) of the lower Towns had committed depredations in the settlement on Pearl, Leaf & Checkasaw-hey (sic) Rivers, & had discovered a hostile disposition towards the U: S: I have directed to them "a talk" herein enclosed, & which I commit to your care.—I request you therefore, to proceed without delay to the nation & after assembling the Chiefs & Head Men to deliver & explain to them my address;—and to which you will add such observations of your own, as you may think best calculated to incline them to Peace & friendship.—Should you meet with Mr. Silas

[28] *Ibid.*, VI, 132-33.
[29] Rightor, *op. cit.*, p. 135.

Dinsmour the agent of the U: S: for the Chactaws (sic), or with Mr. Pitchylynn, or any other person in the nation in the employ of the U: S:, you will explain to them the object of your visit, & request their Co-operation.—

During your stay in the nation, you will make enquiries & transmit me on your return, information on the following points.—1st Whether the Creeks & Chactaws (sic) have been furnished with military supplies at Pensacola & Mobile—& if so, by whom—to what amount & with what views.

2n. The number of warriors in the Chactaw (sic) nation & what portion of them are supposed to be under English or Spanish influence.

3 The names of the Town, where the Spaniards & English have the most partisans & the Character of the Principal Chiefs of these towns.—

4 Whether the Prophet, had sent talks among the Chactaws (sic), & whether his Brother Ticumsey (sic) had visited them.—[30]

A copy of the talk is given:

Brothers

I salute you in friendship, & beg you to open your Ears, that you may hear my words,—Many of you remember me, When I was a Chief at Natchez, & know that I never deceived you. My friendly disposition towards you remains unaltered, & since I have been a Chief at New Orleans, I have always been just to the red men.—

Brothers! When I have a journey to make, I take the nearest path, turning neither to the right nor to the left, but keeping straight on;—So it is when I send out a talk—my manner is to speak plain, & to ease my heart at once, of what I have to say.—

Brothers! The English who live beyond the big water have done the Americans much harm;—they have robbed us of our property—compelled many of our people to serve on board of their Ships of War, & spilt American blood.—The President of the U: States, & his head Men have determined upon satisfaction; the Tomahawk is raised & our hearts are cross.—This is a quarrel Brothers between white people, & does not concern the red Men; We know well the English, & have no fear of them.—More than thirty years ago they made War against the U: States. We were then a young people, & the enemy thought to crush us;—But they found Men & Warriors to combat them, & returning to their Ships, they left our Country to ourselves, & made peace upon our own terms.

[30] Rowland, *op. cit.*, VI, 138-39.

Brothers! We have now grown up to manhood, & can the better fight our own battles.—I say again this quarrel does not concern the red Men.—Let them therefore remain quiet & join neither side. Your squaws & little Children will rest undisturbed in their Cabbins (sic) Your old Men will discourse & smoke without fear, under the shade of the Trees, & your Warriors may hunt & dance & be merry until they have an enemy of their own to strike.

Brothers! During the last War between the Americans & the English, the cherokees, & the Creeks & the Northern Indians joined with our Enemies.—And what followed?—The Indian Country was often visited by the big knife Men; Towns were burnt & fields of Corn destroyed; the women & little Children had to sleep in the mountains & many a brave warrior was laid low.—And what Brothers was the recompense for all these sufferings? Some trifling presents! A few shirt Blankets—some kegs of Rum & two or three dozen Medals made of bad Mettle (sic).

Brothers! I have heard some bad news from Pascagoula & Pearl Rivers.—It is said the Chactaws (sic) have committed many roberies & that blood has been spilt. What does this mean? Do the English want the poor Indians to fight their battles & are you such fools as to sell your lives for a few goods? Has the proffet (sic) sent bad talks among you? or has his Brother Ticumsey (sic) made you believe that the Northern Indians are strong enough to drive the Americans into the Sea?

Brothers! The proffet (sic) says that he is the Son of the great Spirit, & can prevent powder from burning, & deprive a Ball from a riffle (sic) of its force. Some of the followers of this pretended "Son of the great Spirit" believed him & made an attack some moons past on the American Army. But as formerly the powder hurt & the Balls penetrated, the Indians were defeated.—Many were killed & the proffet (sic) turned out to (be) a liar.—Ticumsey (sic) is a Warrior; But he is a *Mad Man* & knows not what he says, or what he does. Beware of him, or he will bring you into trouble.—

Brothers! Your father the President of the U: S: loves his red Children & wishes him (sic) to live in peace,—He loves also his white Children, & will suffer no Nation to strike them with impunity. He possesses the power to punish his enemies, & the will to do it.—The Chactaws (sic) are a small people, & when compared to the Americans are but a handful.—You may make War; But you will soon sue for peace.

Brothers! I am told that a Council fire is now burning & that white Beads & Wampum are passing between you & the Creeks.—Let this talk be read at the Council, & tell

the Creeks to hold it fast. Say to them in my name, to keep their bad Men at home or evil will fall upon their nation.—

Brothers! I am told you go often to Pensacola & Mobile. Listen not to any bad talks you may hear there; But sell your skins & return in peace to your Cabbins (sic) or to your hunting ground. The Spanish Chiefs if they are your friends will give you the same advice; But there are wicked people every where, & if you find such at Pensacola or Mobile, turn your backs upon them—But Brothers I must conclude—Many words are soon forgotten—Take Simon Favre by the hand, & whatever he tells you in my name, believe him, for he is a good Man, & will neither betray me, nor deceive you.

I have nothing more to say Brothers—but to express a wish, that the Tomahawk between the Americans & the Chactaws (sic) may long remain buried.—[31]

Claiborne not only took every precaution against organized hostilities on a large scale but in a letter to Wilkinson dated August 5, 1812, asked that fifteen or twenty men in charge of a subaltern be placed at Tiganyou on Lake Pontchartrain to protect the German Coast from a possible attack by unfriendly Indians.[32] It was Hull's surrender at Detroit which marked the beginning of real Indian trouble in the Mississippi Territory. The disgraceful circumstances surrounding the surrender[33] encouraged the Indians to take up the hatchet once again against the hated long knives, and engage in the many depredations which characterized Indian warfare. One good resulted, however, when it afforded Jackson an opportunity to display those talents which were later to make him the Hero of New Orleans, since it was while fighting against the Indians that he first gained fame. The first thought after Hull's failure in Canada was for New Orleans. On October 21, 1812 Governor Blount of Tennessee was asked to send fifteen hundred men to Wilkinson's command,[34] and the man chosen to command them was one Andrew Jackson. Nashville was the rendezvous chosen and it was there that Jackson received the following orders:

WILLIE BLOUNT TO JACKSON.

Nashville, December 31, 1812.

Sir, You will as soon as practicable after the Troops are paid, move with the Detachment of Tennessee Volunteers under your command, consisting of one thousand four

[31] *Ibid.*, VI, 153-55.
[32] *Ibid.*, VI, 140.
[33] A. T. Mahan, *Sea Power in its Relation to the War of 1812* (Boston, 1919), I, 337-50.
[34] J. Parton, *General Jackson* (New York, 1912), p. 50.

> hundred Infantry and Riflemen, and six hundred and seventy mounted Infantry and Cavalry, in all, two thousand and seventy, men and officers included, to New Orleans for the defence of the lower Country, transporting the Infantry and Riflemen by water, and ordering the mounted Infantry and Cavalry to proceed by land on the main road, leading from this to New Orleans, via, Natchez, Mississippi Territory.
>
> You will in giving your instructions to the commander of the mounted Infantry and Cavalry, order, that the greatest caution and care shall be observed and used by him, and the whole Detachment under his command, not to molest, or in any way to injure the peaceable Tribes of Indians inhabiting the Country thro' which they may march on said road. On your arrival at New Orleans, you will await, the order of the President of the United States . . .[35]

The expedition failed to reach its destination, however, for at Natchez Jackson received orders from Wilkinson not to come to New Orleans but to encamp where he was and await further instructions.[36] Meanwhile preparations for defense against an attack on New Orleans had gone steadily forward. An account of an alarm published by a New Orleans newspaper November 5, 1812, shows how panicky its inhabitants had become:

> On Sunday night immediately after his Excellency Governor Claiborne arrived from Baton Rouge, some person informed him that the British had effected a landing at Chef Menteur—He, with his usual vigilance for the safety of the State gave the alarm to the commanding officer of the U. S. Troops—expresses were dispatched to reconnoitre—guns loaded, matches lighted, and every preparation made to meet an invading foe.
>
> On Monday morning it was recollected that a detachment of the U. S. troops had been sent from Pass Christian to take post near lake Borgne, and the report of the expresses confirmed the fact of lieut. Wilcox of the 3d. Infantry, with about 40 men, being stationed on a bayou, one league from the lake.
>
> We have been induced to give this statement of the facts lest some of our letter writers (as Monday was mail day) should alarm the people of the nothern (sic) states as they have hitherto done, with our being invaded.[37]

While they did not prevent Governor Claiborne from taking a wife[38] such alarms induced the people of New Orleans to do some-

[35] J. S. Bassett, *Correspondence of Andrew Jackson* (Washington, 1926), I, 252-53.
[36] J. S. Bassett, *The Life of Andrew Jackson* (New York, 1916), I, 83.
[37] L. S. M. C., *La. Gazette*, November 5, 1812.
[38] *Ibid.*, *La. Courier*, November 11, 1812.

thing in the way of furnishing protective forces from among themselves, and by December 20, 1812 six uniformed companies of militia were ready for action, the same day that the 7th United States Infantry, which had been quartered at Pass Christian, marched into the city under Major Gibson.[39] Nevertheless Governor Claiborne found it necessary to use diplomacy in order to enlist the support of the people and their legislators. A letter to Wilkinson, dated December 28, 1812, explains their attitude:

> Dear Sir,
>
> I have received your letter of this date, advising me, that you "had been warned by the Government to be prepared for the defence of this City against an attack from the enemy," & requesting that the Battalion of free people of color, may be placed under your orders.—I shall reply on tomorrow or next day, & hope to be enabled to meet your wishes in relation to the Battalion.—meantime however it is desirable, that you address me a Communication respecting the probability of an attack, which might be submitted in confidence to the Legislature.—It would I think, induce that body, to vest me with the necessary powers to call to your aid an Auxiliary Militia force.—Perhaps it will answer my purpose to lay before the Legislature the first paragraph of your letter, & with your permission I will do so.—The paragraph alluded to, is as follows, "I am warned by Government &c."—
>
> If however you should think proper, & the information before you admits, I could wish to speak with more precision as to the extent of the danger to be apprehended. Your letter would be sent to the Legislature in entire Confidence, & if they did not act upon it, as a love of Country should dictate, we shall have done our duty.—It is with the sincerest regret, I inform you that my present Militia powers do not enable me to co-operate with promptitude & effect in the defence of the State.[40]

By January 14, 1813 Governor Claiborne had received from the public arsenals between six and seven hundred stand of muskets, which had been distributed among the several militia corps of New Orleans, with the hope of another loan in a short time of from five to six hundred muskets and two or three pieces of field artillery.[41] The 3rd United States Infantry, under Colonel Constant, had arrived eight days before, and the Orleans Guards, Captain Reynolds, and the Louisiana Blues were ready for action

[39] Rightor, *op. cit.*, p. 137.
[40] Rowland, *op. cit.*, VI, 204-05.
[41] *Ibid.*, VI, 231-33; 179-80.

also.[42] The capture of the ship Jane, from Greenock, Scotland (twelve men and twelve guns), by the schooner Spy on January 12, 1813, must have further encouraged the citizens of New Orleans. She was the first really valuable prize of the port.[43]

The situation was thus far not very promising. Jackson was still encamped at Natchez waiting for orders to continue to New Orleans and while Claiborne had assembled a rather respectable force for the defense of New Orleans West Florida had not been possessed, and the Indians were so aroused that the entire Southwest was apprehensive. The insidious influence of the British over the Indians was graphically described by Madison in his inaugural address for his second term as President. Speaking of the British he said:

> They have retained as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating without restraint to the United States; incorporated by naturalization into our political family, and fighting under the authority of their adopted country, in open and honorable warfare for the maintenance of its rights and safety. Such is the avowed purpose of a Government which is in the practice of naturalizing by thousands citizens of other countries, and not only permitting, but compelling them to fight its battles against their native country.
>
> They have not, it is true, taken into their own hands the hatchet and the knife devoted to indiscriminate massacre; but they have let loose the savages, armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives . . .
>
> And now we find them, in further contempt of the modes of honorable warfare, supplying the place of a conquering force by attempts to disorganize our political society, to dismember our Confederate Republic. Happily, like others, these will recoil on the authors; but they mark the degenerate counsels from which they emanate; and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a Government which founded the very war (against France) in which it has been so long engaged, on a charge against the disorganizing and insurrectional policy of its adversary.[44]

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[42] Rightor, *op. cit.*, p. 142.
[43] *Ibid.*, p. 143.
[44] J. D. Richardson, *A Compilation of the Messages and Papers of the Presidents* (Washington, 1911), I, 509-11.

By this time in New Orleans Claiborne faced a new difficulty; the smugglers from Barataria. The proclamation by which he hoped they might be suppressed was published March 17, 1813:

> Whereas, I have received information that upon, or near the shores of Lake Barataria, within the limits and jurisdiction of this State, a considerable number of banditti, composed of individuals of different nations, have armed and equipped vessels for the avowed purpose of committing piracies on the vessels of nations at peace with the U. S. and carrying on an illicit trade with the U. S. to the detriment of its revenue, . . . I hereby declare that all persons, etc., . . . [45]

Nothing came of this proclamation, however, since at that time and for a long time thereafter, the people openly sympathized with the smugglers. In fact on April 7, 1813, Jean and Pierre Lafitte, the leaders, were charged with smuggling but released before being brought to trial, and when warrants were finally issued for their arrest the warrants were returned "not found".[46] Activity against a probable invasion of the Southwest by the British slowly increased. Wilkinson was ordered to take active possession of all territory in West Florida west of the river Perdido, and did so in the early part of April, 1813, erecting a small fortification on Mobile point.[47] Another rather interesting measure which was introduced is disclosed by the following notice published in one of the New Orleans newspapers:

> Notice to British Subjects.
>
> Marshal's Office of the United States of America, for the District of Louisiana, at the City of New Orleans, April 19, 1813.
>
> By virtue of power vested in me, and special instructions from the proper authority, all Alien enemies, engaged in commerce, and residing and being within forty miles of tide water, or the margins of the Mississippi, and lakes within the district of Louisiana, and particularly those in the city of New Orleans are hereby required forthwith to retire beyond that distance from tide water and the margins of the Mississippi and lakes. Passports for their departure will be given at the Marshal's office, and the place of their residence therein designated—Persons of the above description, who refuse or neglect to comply with this requisition, will be taken into custody after the 28th inst.

[45] C. A. of N. O., *La. Courier*, March 17, 1813.
[46] A. Walker, *The Life of Andrew Jackson* (Philadelphia, 1867), p. 37.
[47] Martin, *op. cit.*, p. 356.

And all other Alien enemies not engaged in commerce who were settled previously to the declaration of war, or are pursuing some regular and lawful occupation unconnected with commerce and residing and being within the limits above stated, in said disctrict, are required immediately to apply to the Marshal for permission to remain where they are; which permission will be granted when it satisfactorily appears that their intentions towards the United States are friendly, and that the indulgence and hospitality which have been extended to them have not been abused or misapplied.

Also, Alien enemies of every occupation and profession who have arrived in this city of New Orleans from a foreign place since the declaration of war, are required without delay to retire into the interior of the country, beyond the distance above mentioned—if the different requisitions required by the notice, are not unconditionally complied with vigorous measures will be taken against those to whom it has reference.

P. L. B. DUPLESSIS, Junr.[48]

April 21.

(Inserted three times from April 21.)

Depression in New Orleans, caused by the War of 1812, had brought the usual reaction against aliens in business in that city. The return of Jackson with his force to Nashville on May 22, 1813,[49] aroused the Louisianians to greater activity. Jackson's departure from Natchez, where he had been camping since his arrival there in the latter part of February,[50] was occasioned by a communication from the War Department, dated February 5, 1813, dismissing him and his force.[51] Jackson immediately left with his army for Nashville where he dismissed them. Claiborne's reaction to the withdrawal of this expedition is expressed in his letter to Jackson, March 15, 1813:

My Dear Sir,

I received some time since your agreeable favour, advising me of your approach to this Capitol, with two thousand Tennessee Volunteers & enclosing your letters of advice to the Assistant Quarter Master & Contractors Agent which were immediately delivered.—I need not express to you the satisfaction your communication afforded me;—At this perilous Crisis so respectable a reinforcement composed of men whose patriotism and valour are so well

[48] C. A. of N. O., *La. Courier*, April 21, 1813.
[49] Parton, *Life of Andrew Jackson*, I, 383.
[50] *Supra*, p. 31.
[51] Bassett, *Correspondence of Andrew Jackson*, I, 275-76.

established would have given security to this exposed Section of the Union, from all attacks from without, & commanded from the savages in our vicinity an adherence to the most pacific course;—Your safe arrival at Natchez with your Command was known to me, & I was awaiting with anxiety, the pleasure of welcoming you within this State, when I learn that by order of the government, your detachment is discharged from the service of their Country.—To what cause, this sudden & unexpected dissolution of a force, so ardent in their Country's cause is attributable, I cannot tell! Is it the harbinger of peace? Is Florida acquired by Treaty, or is it determined to abandon the Volunteer System, & to rely intirely (sic) on regulars? Do satisfy my enquiries, & relieve me from the surprize (sic), which the sudden dissolution of your army has excited!—

In this quarter, the preparations for defencive (sic) war are not in the least abated! Forts on the Mississippi & on the Margins of the Lakes are in great forwardness; —Most of the Mechanicks (sic) of the City are engaged in making Gun Carriages—Timber is preparing for building Block Ships to operate on the lakes & at the Mouth of the Mississippi, & the Volunteer system, meets from the Commanding General the most flattering encouragement. —It is impossible to say whether or not, the enemy will attack New. Orleans; but I have always, considered it, as an event so probable, that the Government would have been highly reprehensible, not to have provided in time, the most ample means of defense shall I have the happiness of seeing you in New. Orleans, previous to your return to Tennessee.—The friendship which I formed for you in early life, is still ardent & sincere, & my best wishes, have & will always, attend you.—Can you not obtain a Command in the Northern Army? Our affairs in that quarter are indeed in a most humiliating State! The arm of every Citizen should be raised, until the lost honor of our Country is restored.—The surrender of Hull—the Proclamation Attack of Smyth, & the disaster, which has recently befallen our old friend Winchester, are causes of great affliction to every American Heart.—For myself, I have but little knowledge of the theory or practice of War; but could I obtain a Command in the Northern Army, most willingly could I resign the post to which the Citizens of this State have called me, & repair to Canada.—But I trust, that others better calculated than I am for Military Command will not escape the Notice of Government.— . . .[52]

[52] Rowland, *op. cit.*, VI, 213-15.

Encouraged by the Marshal's notice and stimulated no doubt by the paralysis of commerce at New Orleans,[53] Claiborne added to his preparations for an invasion the elimination from competition of several aliens employed by the branch pilot at the Balize.[54] His next concern was the possibility of danger from a slave insurrection. General Flournoy's letter to the governor dated June 14, 1813, explains why such an uprising was feared:

> Sir
>
> In hastely (sic) Glancing the militia act of this State which you did me the Honor to send me, I find that by the 10th section you have power in Case of invasion insurrection, or When the danger shall be such that the Public safety may require it to call forth such detachments of the militia as you may judge necessary &c. &c.
>
> The exposed situation of this state at all times to the inroads of an invading enemy, who will put to use every means in their power to excite the states (slaves) to take up (arms) against their masters in my opinion renders it essentially necessary that you should without delay adopt measures for the public safety as will enable you at a short warning to turn out any portion of the militia that may be necessary on the happening of either of the aforesaid Contingencies & to enable you in the event of a Call from the president of the United States for your quota of militia to satisfy the requisition with that promptness, Zeal & patriotism which have marked your Political Career. This becomes the more necessary on account of the instructions I have received to order the 3d Regiment of the regular troops to join the Northern Army and which has been done accordingly.
>
> The whole regular force at my disposal, when this Regiment has left me will not exceed, 1,500 men, the volunteers in Service About equal in numbers. With this force, it is impossible that the District Can be defended.—aid, therefore from the state authority is indispensable to our safety.[55]

Governor Claiborne's answer shows what precautions could be taken for this eventuality:

> Sir
>
> A press of business has prevented me until this moment . . .
>
> I am very sensible of the dangers to which this state is exposed from within & from without, and the expediency

[53] Kendall, *op. cit.*, I, 95.
[54] Rowland, *op. cit.*, VI, 221-22.
[55] *Ibid.*, VI, 225-26.

> of taking in time *precautionary* measures! Among *these* the holding in readiness for active service, a strong Detachment of Militia, is Certainly of primary importance,—and orders to that effect shal (sic) be issued.—It is however with Concern, I inform you, that the militia of Louisiana, is for the present in a state of Great Derangement.—You will have observed by the militia Law (recently passed) that Captains & Subalterns are to be elected to the several Companies, and such has been the delay in making those elections, and forwarding the returns, that only a few Regiments are yet organized.—Hence Sir, it is not in my power (to) array an auxiliary force, as promptly as I should wish;—But you may be assured that to effect the object I shall use all my Authority and best exertions . . .[56]

In spite of all apprehension, however, the first year of the War of 1812 ended with no invasion of the Southwest by the British. West Florida was at last under American control as far as the Perdido river, and many plans for the improvement of the defenses at New Orleans had been carried out. These defenses were still of an inferior sort, however, and practically worthless against an invading force of well equipped regulars. That the English had not given over the idea of attacking New Orleans is indicated by a newspaper article published in London June 17, 1813:

> Policy of Taking New Orleans—There are arguments in our colonial Journals, tending to prove that there exists a necessity for our Government's taking possession of the province of New Orleans. We extract the following observations on that subject:—"If Great Britain will take New Orleans, she will divide the states. By shutting that outlet to the fruits of Western industry, she will make herself known and respected by those states, in spite of the power of the rest of the Union—If in the war of 1755, France had been as superior at sea, as Britain then was, we should never have heard of the United States of America. The back country would have been as well settled before this with Frenchmen, as it now is with the desenddants (sic) of Britons. We ought at present to take the benefit of former lessons, and make those people our friends when so much is in our power.—Take New Orleans, which is at the there should (sic) of our West India Islands, and which could furnish them with provisions at half the price they have been accustomed to pay. By such conduct firm allies

[56] *Ibid.*, VI, 226-27.

> would be created on the continent, our West India planters would be gratified, and the integrity of the Spanish dominions in America guaranteed from traitorous insults."[57]

The first expedition sent by the British into the Southwest was not for the purpose of taking New Orleans, however, but was an attempt to put a stop to the smuggling and quasi piratical activities of the Baratarians. June 17, 1813, a British sloop-of-war attacked two privateers which lay anchored off Cat Island. Their owners, who had consistently avoided the forces of similar expeditions sent against them by the Americans, resisted this attack, and in the battle which followed, beat off the British who suffered considerable loss, leaving the smugglers free as before to carry on their illegal trade.[58]

The second year of war with England did not begin very auspiciously in New Orleans. The 3rd United States Regiment was on its way up the Mississippi, its departure reducing the regular forces stationed in the city by one half.[59] The levee at Kenner's plantation had given way flooding part of New Orleans, and conflagrations of an incendiary origin constantly interrupted the slumber of the inhabitants. These fires were only stopped when June 26, 1813, Claiborne offered a reward of one thousand dollars to any individual who would give information which might lead to the discovery and punishment of those guilty of arson.[60] As to improving the state of the defenses, one of the Louisiana senators, James Brown, when asked by Claiborne to do something about getting assistance from the national government replied:

> So generally has our coast been menaced, so numerous have been the calls on the Department for protection at the different points immediately threatened, and so limited are the funds assigned to that object, that the complaints of our distant State, although reiterated and enforced in the best manner I could devise, have resulted in a manner in the highest degree unsatisfactory and mortifying to me. The removal of the Third Regiment, and what is more extraordinary, its removal by water, is a policy which I do not approve, and against which I have directly and repeatedly remonstrated.[61]

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[57] M. S. A., *Washington Republican*, January 26, 1814. (This excerpt loses its value because words cannot be supplied that have been dropped at the end of the sixteenth line.—Ed. *La. Hist. Qy.*)

[58] Gayarré, *op. cit.*, IV, 304-05.

[59] *Ibid.*, IV, 294.

[60] *Ibid.*, IV, 291-92.

[61] *Ibid.*, IV, 295.

Realizing from this reply that Louisiana must shift for herself Claiborne, who fully appreciated its defenseless condition, began a speedy organization of the militia, and it was presumed that a draft would be resorted to, but the mere mention of that measure produced much discontent in some quarters.[62] The only compensation which was offered for the loss of the regulars was the promise of arms for the militia. A letter from Claiborne to John Armstrong, secretary of war, written July 22, 1813, reveals how badly these arms were needed:

> Sir,
>
> I am honored with the receipt of your letter of the 22. June, informing me "That two thousand Stands of Arms, will be deposited with the deputy quarter Master General at Pittsburg and subject to my orders, conformably to the provisions of the Act of April 23d. 1808. for arming the whole body of the Militia . . . . . " This supply of Arms will be a great acquisition to Louisiana, & I have only to regret the delay which must necessarily attend their transportation to New Orleans.—This State would be much accomodated (sic) if you would supply her also with 150 Sabres;—The Service of Cavalry is best adapted to the Climate of Louisiana, and in many parts of this State (in the Western prairies for example) are the only troops that could act with advantage.—The want of swords & the impossibility of procuring them by private purchase, has delayed the organization of several Companies of Cavalry, & in those Counties too, where they would have been most useful . . . [63]

Increased unrest among the Creeks presaged an early use of the forces being gathered by Claiborne, as is shown by the following:

> Extract of a letter from Fort Stoddert, dated July 25.
>
> The clouds thicken around us. Almost all the families within 15 miles of us have abandoned their habitation—Some are in the swamps, some are retired to places of more imagined security. A party has gone out to meet the Indians, who have been supplied with ammunition by the Governor of Pensacola. But I fear they will be cut off. They consist I am assured of only 180 and the Indians are 300. The half breeds have all sought shelter among us, their men accompanying our little band of warriors.[64]

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[62] *Ibid.*, IV, 295.
[63] Rowland, *op. cit.*, VI, 243-44.
[64] L. S. M. C., *La. Courier*, August 4, 1813.

This band of Indians had scarcely been dispersed when, on August 30, 1813, a surprise attack on Fort Mimms was made, its defenders overwhelmed, and well-nigh the entire garrison massacred. Over four hundred out of five hundred and fifty-three persons lost their lives. The bad news spread like wildfire, and from Mobile to the borders of Tennessee, from the vicinity of New Orleans almost to the coast of Georgia, there was felt to be no safety except in strongly fortified forts.[65] Governor Claiborne's brother, General F. L. Claiborne, who had marched from Baton Rouge to the support of the Creek country, was near the scene of the massacre but had his forces so divided that he could only hold the points already under his control and send a request for additional forces. Louisiana, Georgia, and Tennessee were each looked to for assistance, but Tennessee was the only one to respond, and when her force was organized Jackson was at the head of it despite the fact that he was far from recovered from a wound which he had received while fighting a duel.[66] In New Orleans bands of drunken Choctaw Indians roved the streets unmolested because the authorities were loathe to restrain them for fear of provoking a rising which would lead to a repetition in Louisiana of tragedies such as that at Fort Mimms.[67] To add to the confusion, the population of New Orleans was greatly moved by a decision of the District Court of Louisiana in the famous case of the Batture, which involved the ownership of some lands bordering the river, and called into question the separate rights of New Orleans *versus* those of the United States, and the authority which Jefferson, Claiborne, and Livingston might each exert in accordance with the same.[68] While such events absorbed most of the interest of the people of New Orleans, in the *Courier* of September 6, 1813, there were detailed descriptions of American activities elsewhere, as well as a record of European military events.[69] During the month of September the war with the Creek Indians took on a serious aspect. Governor Claiborne sent a circular to all militia colonels stressing the necessity for being ready to meet all emergencies whatever; and, on the eleventh of September, went via Bayou St. John to St. Tammany Parish, thence to Baton Rouge by way of St. Helena, and then went to La-

[65] Parton, *Life of Andrew Jackson*, I, Chap. XXXVII, *passim*.
[66] B. J. Lossing, *The Pictorial Field-Book of the War of 1812* (New York, 1869), pp. 750-58.
[67] Kendall, *op. cit.*, I, 95.
[68] Gayarré, *op. cit.*, IV, 296-98.
[69] L. S. M. C., *La. Courier*, September 6, 1813.

fourche, from which he journeyed to the Attakapas and Opelousas districts, actively engaged in making what preparations he could for the defense of Louisiana with the scanty materials which the state possessed at the time.[70] A letter from Claiborne to Thomas Flournoy, brigadier general of the 7th military district, which he wrote September 29, 1813, while at Lafourche, suggests that Indians were not the only enemies that Claiborne thought to prepare against:

> Sir,
>
> I have received your interesting letter of the 19 Instant with its enclosures.—The movements of Spaniards on our Western frontier commands (sic) my serious attention.—I persuade myself no offense will be offered to Louisiana.—But I am not without serious apprehensions, that they will be disposed to advance as far as the Arroya Honda, (now within the Jurisdiction of this State) which the Spanish agents contend to be the Eastern limit of the province of Texas.—I trust the force you now have on the Mobile will not only enable you to cover that frontier, but to disperse the hostile Indians.
>
> The people of the several parishes of St. Tammany, St. Helena, Feliciana and Baton Rouge seem disposed to rally, *at the first call*, among the standard of their Country, and I shall be disappointed if the people of the Western parishes, (whom, I mean also to visit) do not feel and evidence the like patriotism.—At Baton Rouge, the people are repairing the Fortifications, and erecting Block houses. I pray you to have the goodness to suffer to remain at that post all the small pieces of Cannon & Shuch (sic) powder & Ball as may be now there. The people are much in want of munitions of War & such as are left at Baton Rouge would I am sure in case of emergency, be used with advantage & effect by the Militia.—I feel much for the safety of New Orleans during the ensuing Winter,—At present it could offer little resistance to an attack from without.—I am making every effort to organize in the interior of the State a disposable Militia force, & my prospects are flattering. I shall return to New Orleans, about the last of October & earlier if my presence becomes necessary.[71]

The force which Jackson was to lead against the Indians was collected at Fayetteville, more than eighty miles from Nashville, October 7, 1813. It was several days after the date ap-

[70] Gayarré, *op. cit.*, IV, 298.
[71] Rowland, *op. cit.*, VI, 271-72.
[72] Parton, *Life of Andrew Jackson*, I, 425.

pointed for the rendezvous that Jackson arrived.[72] At that time there were no central supply agencies in the War Department, and each militia commander in the field was compelled to procure his own food, clothing, arms and shelter; and then persuade the Treasury to pay for them. Among the thirty-five hundred men whom Jackson led to the Alabama River were twelve-months men whose term of enlistment expired in December, 1813. There were also three-months men due to be discharged in January, 1814, and after that some sixty-days men whose term expired in March. With such a system, typical enough of frontier forces, no training or discipline was either possible or profitable. Jackson could not build for the future; he was limited to such objectives as could be reached promptly, and to such maneuvers as could be undertaken by untrained marksmen.[73] The following talk from Claiborne to the great Chief of the Caddo Nation delivered at Natchitoches October 18, 1813, by Claiborne, in person, may have helped Jackson some by quieting that tribe of Indians in the South:

> . . . Seven years ago, Brother, we had a conference . . . and mutually promised to keep the path between our two nations white. We . . . know from experience the blessings of peace . . .
>
> Brother, the United States are like the oak of the forest. A great body with many branches . . .
>
> Brother! Seven years ago you told me your nation had but one enemy. The Osages, . . . the Osages, I hear have already robbed the hunters of all nations . . . Among the white people, brother, there is also a nation of Osages. Beyond the Sea, there lives a people called the English, who may really be considered white Osages. On the big water, which the great Spirit made large enough for the use of all men, the English have already plundered every people, and their Chiefs direct a continuance of these outrages. Many Americans peacefully navigating the big Water had their vessels and property taken from them. And others were compelled to serve on board of War canoes, and made to fight against their friends & country Men—But Brother such injuries could not be endured. The hearts of the Americans have become cross; they have raised the Tomahawk, & will not consent to bury it until the English are just towards them. The warriors of your father, the President are marching into the Country of our enemy and the thunder of our great War canoes is heard on every Sea.

[72] Paxson, *op. cit.*, p. 175.

> Brother! The English unwilling to fight as man to man, have called upon the red people to assist them.—With tongues as forked and as poisonous as a snake, they have told the Indians many lies, they have made fair promises which they will not, and cannot fulfil. Thus it is, many of the red men have been prevailed upon to throw away the Peace Talks of their father the President.—But the Americans have the power, and the will to punish all their enemies. The other day, the Creeks, when it was supposed they were only quarreling among themselves, surprised one of our Forts & spilled much innocent blood.—A fly you know brother may disturb. the sleeping lion—But our Warriors are now in arms against the Creeks, and it will not be in the power of their friends, the English to shield them against our vengeance.
>
> . . . When your father was a Chief, the paths from your Towns to Natchitoches was (sic) clean . . . To a Chief, a Man and a Warrior nothing could be more acceptable than a sword, . . . I have therefore directed, that a sword be purchased at New. Orleans, & forwarded to Dr. Sibley, who will present it to you in my name.[74]

In the North Jackson had been busy with a sword also but in a way hardly pleasing to the Indians. Establishing a base of supplies at Fort Deposit on the bend of the Tennessee river at its southernmost part,[75] Jackson set out October 25, 1813, southward for the enemy's country. November 3, 1813, Talluschatches was destroyed by General Coffee with a thousand men.[76] General Jackson, who had given Coffee his orders, was encamped on the Coosa river at a point about southwest of Fort Deposit when at what is now Talladega, a force of a hundred and fifty-four friendly Creeks, were suddenly besieged by a thousand warriors, probably the total force opposing American domination in that district. Jackson on learning of their predicament immediately went to their relief, and on November 8, 1813, dispersed the hostiles with great slaughter, accounting for at least half of them. Returning to his former camp, Fort Strother, Jackson completed its fortifications. The Indians were now more than willing to make peace and probably would have done so[77] except for the massacre of the Hillibees by General White acting under orders from General Cooke. The latter was unaware of the negotiations then in progress and of the tacit armistice which prevailed.

[74] Rowland, *op. cit.*, VI, 275-77.
[75] Parton, *Life of Andrew Jackson*, I, 431.
[76] *Ibid.*, I, Chap. XXXIX, *passim.*
[77] *Ibid.*, I, Chap. XL, *passim.*

However, the damage was done and the Indians immediately took the field for what they now felt to be a war of extermination.[78] Hunger and mutiny were next faced by Jackson, who met them both with a bold front. The lack of government supply agencies and the short term of militia enlistments were the separate causes of each. While the mutinous affair resulted in a personal victory for Jackson he lost his troops just the same. From the tenth of December, 1813, to the middle of January, 1814, all his veterans left him, and we find him with but nine hundred raw recruits who expected to participate in one engagement and then return home.[79] At New Orleans the month of December saw none of the expected assistance from the Federal Government, and rumors of an approaching invasion of Louisiana became more threatening. Claiborne had been doing all he could but the Federal Government was either deaf to his repeated entreaties for men and munitions of war, or had not the power to grant the desired supply. General Flournoy had cut the force for the state to seven hundred men; and in addition, had weakened the local means for defense by making a requisition for a thousand militiamen to serve with the regulars elsewhere. Consequently as the year closed, there was a considerable state of anxiety in Louisiana only relieved in part by the news of the victories over the Indians just recounted.[80] So far the only military activity in the Southwest had been against hostile Indians. The defenses at New Orleans had not been strengthened, and goods of great value continued to pile up in its warehouses. 1814 sees the beginning of the British invasion and a leader chosen to oppose it, with New Orleans finally recognized as the British objective.

[78] *Ibid.*, I, Chap. XLI, *passim.*
[79] *Ibid.*, I, 485.
[80] Gayarré, *op. cit.*, IV, 306-07.

(To be Continued)

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LVIII.

August, 1746.

(Continued from April, 1933, Quarterly)

By HELOISE H. CRUZAT.
Marginal Notes by Henry P. Dart.

Memorandum by Editor of the Quarterly

The hereinafter named officials participated in the Sessions and/or took part in the work of the Superior Council of Louisiana during the period covered by this installment of the Index, viz:

de Vaudreuil, Pierre Rigaud Cavagnol, Governor
Le Normant, Sebastian Francois Ange, First Judge and Commissaire Ordonnateur
Henry, Nicolas, Notary and Clerk
Fleuriau, Francois, Procureur General
Chantalou, Augustin, Sheriff
Lenormand, Marin, Deputy Sheriff
Raguet, Jean Baptiste, Councillor

Aug. 1, 1746. 28541. fo. 30. 4215. 2½ pp.

Assignment of a debt.

Pierre Berlan, a sailor on the "Triumvir" transfers by notarial act to Tessier (a cooper) the obligation of Meunier, copied below.

Signed: Chantalou. Jahan. Henry.

March 27, 1745. Receipt to Pierre Berlan, sailor in the Brigantine of Mr. Jean Pierre Meunier, the sum of 201 livres in specie, which the recipient Dutans promises to remit on production of this receipt, given that it may serve and avail as need may be. Dated at St. Pierre, Martinque, March 27, 1745.

Document badly stained and charred.

Aug. 2. 1½ pp.

A creditor of Marigny holding his order on Broutin (curator or tutor of Marigny) enters suit against Broutin to make him pay the draft. See further the judgment Aug. 6th (No. 4) and the petition Aug. 29.

Petition to Superior Council by Mégros for citation of Broutin, for recovery of 400 livres and interest, per note of Sr. Marigny drawn on Sr. Broutin, Engineer. Up to date Sr. Broutin has refused to pay as Sr. Marigny was not of age.

Signed: Megros.

Order to notify Sr. Broutin. Signed: Lenormant. Notice served on Sr. Broutin, at his domicile in New Orleans by Sheriff Lenormand.

Aug. 3.
28544. fo. 30.
4216. 7½ pp. ff.

Procuration from Bourgine at La Rochelle to Piemont in New Orleans to collect debt due by Phillippe Gallois de la Brosse. See Aug. 4, 1746.

Procuration granted at La Rochelle before Hardy and Guillemot, Greffiers of said City, by Sr. Bourgine to Jean Baptiste Bancio Piemont, July 12, 1745, and legalized in New Orleans, by the Superior Council requiring Philippe Gallois de la Brosse to render account to Sr. Piemont of merchandise received from said Bourgine.

Signed: Jahan. La Brosse. Chantalou. J. Bancio Piemont. Henry.

Note. By a regretable mischance there was omitted from this Index for July, 1746, (Quarterly April, 1933) the defense presented on July 2, 1746, by Jacques Philip Gallois De la Brosse to the suit filed by Piemont, agent for Bourgine (June 2, 1746, Quarterly January, 1933, pp. 135-6). In substance the defendant alleged that the debt claimed by plaintiff had been reduced to 5800 livres in specie and the decree had been satisfied. He averred that he had rendered full accounts to plaintiff and he asked that the accounts of the parties be submitted:

> "to two merchants of New Orleans officially appointed to arbitrate on the rights of the parties as is always observed in commercial affairs."

Aug. 3. 1½ pp.

Brosset reports that his negro slave Manuel is a fugitive and Judice reports his capture, but that he had again run away carrying with him the block and chain with which he had been bound.

Report in Registry by Michel Brosset of a runaway negro, aged about forty years. Signed: Brosset.

August 17. Report by Jacques Judice that one of his slaves named Manuel had run away and been brought back to him with one of Brosset, whom he chained in his cabin but he left during the night with the chain and block, wherefore he prays that he be retaken as this has happened several times and that he is informed that several negroes have plotted to escape to Cat Island and asked that this report be certified. Signed: Jacques Judice.

Document stained and charred.

Aug. 4. 1½ pp.

Suit by Piemont agent of Bourgine against La Brosse. See Aug. 3 and Sept. 1.

Petition to Superior Council by J. Bte. Bancio Piemont acting under procuration of Sr. Bourgine and his creditors for citation of Sr. La Brosse for recovery of a sum of 1438 livres, 14 sols, advanced to said La Brosse, with interest and costs. Signed: J. Bancio Piemont.

Aug. 4, 1746. Permit to cite signed by Raguet.

Aug. 4, 1746. Notice of citation served on Sr. La Brosse by Sheriff Lenormand.

Aug. 5.
Settlement of above suit.

Discharge given La Brosse by Sieur J. B. Bancio Piemont by act passed before Chantalou, mentioning the house ceded to him by note below M. La Bretton's purchase, on Aug. 3; titles of which were remitted to him; five slaves and small mulatto; notes from different individuals transferred to him on his furnishing security and the sum of 3750 livres.

Signed: J. Bancio Piemont. Chantalou. Jahan. Henry, notary.

Document stained and charred.

Aug. 6. 1¾ pp.
Francois Allevin, aged 23, prays to be emancipated in order to collect 3000 livres due him by Sr. LeBretton. See entries Aug. 16th and Sept. 1st.

Petition to Superior Council by Francois Alvin*, natural son of deceased Francois Alvin stating that a sum of 3000 livres was granted him by his father's heirs, which sum was remitted to Sr. Le Bretton who voluntarily accepted the charge to invest it for said Alvin who has not received a cent from it and that having reached the age of 23 years, as shown by certificate of Father Mathias, and being apprenticed he would wish to be given letters of emancipation of age, in order to direct and enjoy his goods, wherefore he prays that a meeting of relatives and friends be called to appoint a curator so that under his authority petitioner may plead for his rights. Signed: Allevin*.

1½ pp.
Approval of application by Procurer General. Order for family meeting.

Petition approved by the Procureur General and family meeting called to deliberate thereon. Signed: fleuriau.

Order to assemble relatives, and in default thereof, friends before Councillor Raguet. Signed: Lenormant.

Order by Superior Council to assemble relatives and friends of son of Francois Allevin, aged twenty-three years, to elect a curator under whose authority he will proceed before Councillor Raguet to plead for his rights.

Signed: "By the Council. Henry, Greff."

Aug. 16. Notices served on relatives and friends to attend meeting called before Councillor Raguet. Signed: Lenormand.

Document water stained, torn and creased.

Aug. 6. B46.
P. Ind.
Session of Superior Council. Judgments rendered. Dupart, tutor. vs. Larche Provenche, tutor, v. Baudemont.

Decisions rendered in following cases:

1. Between Sr. Dupart, tutor of minor heirs of Noel Busson vs. Sr. J. Larche, defendant: Larche to render account and to pay costs.

2. Between Sr. Provenche, tutor of minor heirs of Sieur Roquigny, plaintiff, vs. Sr. Baudemont, called Des Lauriers, defendant: Defendant ordered to pay 150 piastres and to bear costs. (See Jan., 1746).

Piemont vs. LaBrosse

3. Between Sr. Piemont, plaintiff, vs. Sr. La Brosse, defendant: Defendant ordered to pay sum of 1438 livres and 14 sols, and to bear costs. (See Aug. 14, 1746).

Maigrot vs. Broutin

4. Between Maigrot, inn-keeper, plaintiff, vs. Broutin, step-father of de Marigny: Council orders Broutin to pay and enter said payment in accounts to be rendered to Marigny, who is absent. Marigny to bear costs. (See Sept. 2).

Signed: Lenormant.

Aug. 15. Slip.

Surgeon's bill from Caskaskias for services to slaves.

Bill from Surgeon Major of Illinois for treatment and medicines furnished slaves owned by MM. Degruis (de Gruy) and Sr. Declosos (des Closeaux) in community. Bill made at "Caskaskias." Lower edge torn.

Aug. 16. 2 pp.

See Aug. 1746; Aug. 16, 1746. Homologation of deliberations of family meeting recommending emancipation of Allevin.

Report to Council of finding of meeting of Allevin's relatives and homologation of election of Sr. Meilleur after usual oath and acceptance of charge, before Councillor Raguet. Signed: pierre Cousin, Avignon. Cariton. Allevin. Lemelle. Dumas. Raguet.

Sept. 3. Attorney General of the King, following this deliberation, consents to emancipation of said Allevin, under authority of his curator, Michel Meilleur, and under letters of benefit of age. Signed: fleuriau.

Aug. 20. 2 pp.

Suit by Gonzalle against Avignon to recover debt due by Gauvin.

Petition to Superior Council by J. Bte. Gonzalle, resident of New Orleans, for citation of Sr. Avignon, to compel him to pay the sum of sixty-six livres, eight sols, from funds of Sr. Gauvin for bill due to said Gonzalle.

Signed: Gonzalle.

Aug. 20. Order of citation signed: Raguet.

Aug. 24. Notice of citation served on Sr. Avignon at his domicile by Sheriff Lenormand.

Document stained.

Aug. 21. 28552. fo. 30.

Notarial will of Louis Criquet.

Last Will and testament of Louis Criquet, made before Notary Royal at the King's Hospital, which he dictated from bed No. 11, but did not sign as he declared that he could not write nor sign.

Signed: Versaille.

(A German signature not legible). Henry, notary.

Document stained.

Aug. 22. 2 pp.

Provenche petitions for order of execution of the judgment of Aug. 6th in his favor against Baudemont called Deslauriers.

Petition to Superior Council by Jean Baptiste Provenché for execution of decree ordering Bademont dt Deslauriers to pay sum of 150 piastres. Signed Lenormand for Provenche. Baudemont cited by order of Councillor Raguet and notice of citation served on Baudemont by Sheriff Lenormand.

Aug. 23. 2½ pp. 28666.

Succession of Francois Durcy Family meeting to elect tutor to his minor child.

Report to Councillor J. B. Raguet, Commissioner in this case by Etienne David that he has had notices served on Sieurs Dumas dt Lempileur, Claude Reynaud dt Avignon, Joseph Verret, Romagon, Roujot, Durieux dt Dupre and Le Kintrek, all residents of New Orleans, in the absence of relatives to deliberate on election of a tutor to minor child of deceased Francois Durcy and Catherine Fontaine, now married to Jean Baptiste Durieux, called Dupré. Each of the aforesaid gave a written opinion and signed it with the exception of Romagon who declared that he does not know how to write and report was submitted to the Council for homologation of election of Sr. Durieux, as tutor and of Sr. Dumas as special tutor.

Signed: Raguet. fleuriau.

1 p. 28656. 4228.

Homologation of deliberation and order for inventory.

September 3. Excerpt from Registers of Superior Council. Homologation of election of Sr. Durieux as tutor and of Sr. Dumas as special tutor of Francois Durcy, age 4 years, minor child of deceased Francois Durcy and Catherine Fontaine, now wife of J. B. Durieux, and order that inventory and appraisement of goods of the deceased Durcy be taken before Mr. Raguet and the above mentioned tutor and special tutor.

Signed: "By the Council." Henry, Greff.

28659. 6½ pp.

Inventory of the property of Durcy Succession.

Sept. 6. Inventory of Durcy succession at the house of J. B. Durieux, as ordered by M. Le Normant, in the presence of Councillor Raguet and the Procureur General of the King. Catherine Fontaine declared that to support herself and child, she was obliged after the death of her husband, to sell some of his goods, that the first inventory was taken on Jan. 12, 1743, by request of her curator, Etienne David Jannot, all of which effects were appraised anew by M. Lenormand "huissier" of the Council. It includes furniture, pewter plates, kitchen-ware, bedding, grindstone, ropes, chests, flints, scales, wire, iron, tools, negroes, houses and lots. The widow declared that she had sold a boat for 500 livres with which she paid debts made during her widowhood. The present inventory was collated with the one made in 1743

See further Aug. 27.

and all effects left in charge of the tutors who promised to produce them when so required.

Signed: Durieux dt dupré. Catherine dupre. Dumas. Lenormand. Avignon. Raguet.

Aug. 23. 28626. fo. 30. 4219. 1½ pp.

Brosset files charges against Chaperon for beating and ill-treating former's slave and also for insults and abuse of the complainant.

Complaint filed in Registry by Michel Brosset accusing Chaperon of beating and ill-treating one of his negroes on the levee, without provocation, and at the same time indulging in insults and invectives against himself. Said Brosset intends to have the slave brought to the City for treatment and prays that act be passed of his complaint without "prejudice to other causes of complaint" he may have against Chaperon.

Signed: Brosset. Henry, Greg.

Document stained but legible.

Aug. 24. 1½ pp.

Piemont, agent for Bourgine seeks execution against La Brosse upon the judgment rendered August 6th. See: Aug. 3, Aug. 4, Aug. 6, 1746.

Petition to Superior Council by J. B. Bancio Piemont, under procuration of Sr. Bourgine and creditors for permit to seize all sums and movable effects owned by Philippe Gallois de la Brosse until full payment of 1438 livres, 14 sols of advances made to him by said Bourgine.

Aug. 24. Permit to cite La Brosse signed: Raguet.

Aug. 26. Notice of citation served on Sr. La Brosse, at his domicile by Sheriff Lenormand.

Aug. 24. 28628. 4220. 5½ pp.

Governor de Vaudreuil and Ordonnateur Le Normant adjudicate at public auction the privilege of operating six taverns in New Orleans. Total price 4605 livres.

Lease of Taverns, (cabarets) in the City following police ordinance rendered by Governor de Vaudeuil, and Sr. Le Normant, Commissioner General and Ordonnateur (Intendant) of the Province of Louisiana, on twentieth of the present month, read and posted at the issue of the parochial Mass, on the twenty-first inst., by Larche of the Marine and posted in the usual places in New Orleans, so that none may pretend ignorance, fixing the number of taverns at six, to be adjudicated to the highest bidder, returns thereon to go to the Hospital of the poor of this City, on conditions enumerated.

Leases adjudicated to Dusigne, Laurent Lerable, Nicolas Judice, wife of Harville, Legros and Wiltz for the sum of 4605 livres. Signed: fleuriau. Raguet.

Document in bad condition.

Aug. 24.
28634. fo. 30.
4221. 1 p.

Joseph Chaperon, tutor of the minor, Larche, declares he has come to New Orleans to prosecute Sr. Tixerant for money due for lease of slaves of said minor.

Declaration by Sr. Joseph Chaperon, acting as special tutor of minor daughter of deceased Sr. Joseph Larche, that he has come to New Orleans, to prosecute Sr. Tixerant for recovery of sum due for hire of slaves of succession of said Larche, following lease of August 16, 1745, and he will return to plantation on settlement of case, holding Sr. Tixerant responsible for costs of his journey here, his sojourn in New Orleans, of all of which he demands certification.

Signed: Henry, Greff.

Document stained.

1 p. The substance of this declaration is repeated in an "affirmation" by Joseph Chaperon, under tutor of minor child of deceased Joseph Larche.

2½ pp.

Petition by Chaperon for recovery of money due by Tixerant under said lease.

Aug. 25. Petition to Mr. Le Normant for permit to cite Mr. Tixerant for recovery of sum due for hire of slaves of deceased Larche succession, following lease of Aug. 16, 1745, by Joseph Chaperon, under tutor of Larche's minor daughter, which said Tixerant refuses to pay, notwithstanding representations made by petitioner that it is necessary for board and support of said minor. He prays to be indemnified for expenses he has incurred for this case. Mark + of Joseph Chaperon.

Order for citation of Sr. Tixerant signed by Lenormant.

Aug. 26. Notice of citation served on Sr. Tixerant by Sheriff Lenormand.

Document torn and stained, and hardly legible.

2 pp. N. P. Sept. 3. Letter to Mr. Le Normant by Sr. Tixerant pleading illness as an excuse and has asked his Doctor for certificate so that there may be no cost for non-appearance. Signed: Tixerant.

2 pp.

Tixerant answers Chaperon's petition and asks for time to pay the debt out of the crop of the present year.

Sept. 3. Defense of Sr. Tixerant presented to the Superior Council, pleading that Sr. Chaperon's demand is just but that he should give him time to gather his crop, "fabricate" and sell his merchandise as he has no other means of satisfying him but through the labor of his negroes, for which reason he objected to a lease of less than two years and four months, that there still remain four months of 1746 to complete the year and that the lease should not expire until Aug. 16, 1747. That Sr. Chaperon could have avoided the expenses incurred, and the prosecution, but it is in his nature to annoy others, and that his good will towards his ward should prevent his employing her funds for his own profit. He told me to pay

the value of 1000 livres in indigo to Sr. Barbin who refused any affair of that kind, as it was Chaperon's personal debt. Sr. Tixerant only pleads that the Council allow him time to gather and sell his crop. Signed: Tixerant.

Document stained and edges curled.

Aug. 25. 1 p.

Bill of Robert & Company of Carolina against Jacques Dansant for 8004 livres with certificate that the livre sterling was worth 20 to 22 livres (of the money of Louisiana?). (See August 27th.)

Bill sent to Mr. Jacques Dansant due to Robert Thorpe and Company, of Carolina. (Right margin worn away so that it is not possible to give total). Certification that the present bill is correct, amounting to total of eight thousand and four livres, fifteen deniers in silver, signed by Cartier under procuration of Srs. Robert Thorpe and Company, error and ommission excepted.

Sept. 3. Declaration and certification that the Livre sterling was worth twenty to twenty-two livres, —— sols, more or less as the value increases or diminishes according to business done. Signed: Campo.

Document stained and right margin worn away.

Aug. 26.
28635. fo. 30.
4222. 9¼ pp.

Destruction by the local authorities of flour brought from Havana on the ground the said flour was spoiled and rotted and not fit for use. Under these orders 150 bbls. of flour were thrown into the river. This had been landed and warehoused, another 100 bbls. still on board the vessel was released on condition that it should be converted by local bakers into biscuits for the use of the crew of the ship, provided they were satisfied with it.

Proces Verbal of examination of flour brought in by the boat L'Incertain, under command of Captain Auvray, following verbal order of Sr. Le Normant, Commissioner General of the Marine, ordonnateur of the Province of Louisiana by Jean Baptiste Raguet and Attorney Fleuriau, who went to the house where said Auvray lodges and summoned him to produce the flour he brought to this Colony to be sold, part of which is in a small house adjoining his lodging and the balance still on the boat which he did not land for fear that they would deteriorate in his warehouse as happened to a large number of barrels, whereon at the moment Francois Lemelle (Bellegarde) and François Cave, (master baker), were sent with Sr. Pierre Ancelain, merchant of this City to examine the flour mentioned, in the presence of Sr. Auvray, Captain of said boat and they took oath to make a correct and faithful report and signed with the exception of François Cave, who declared that he could not write nor sign.

Signed: R. Rinvar (?). Lemelle. fleuriau. Raguet. . . . (signature eaten away.) P. Ancelain.

Sr. Cave examined 150 bbls. deposited next to Auvray's lodging and reported that the flour was in bad condition and

not fit for use being spoiled and rotten.

28637. In the hold of the ship they found about 100 bbls. in the same condition as that previously examined which they certified.

Signed: PAncelain. Raguet. fleuriau.

Wherefore the Governor and Commissioner General of the Marine ordered that 150 bbls. which were landed be transported to the warehouse of Mr. Duverges

28638. in this City at the expense of the Captain of the boat to the river bank and thrown into the water in the presence of MM. Raguet and Fleuriau who will draw up proces verbal thereof and Captain Auvray is prohibited from selling or disposing of any part whatever of the 100 bbls. left aboard. After four days the boat will be examined for the 100 bbls. and ordered what shall appertain. The Captain is likewise forbidden to sell any part whatever of the flour left aboard to anyone whomsoever.

Signed: Lenormant. Vaudreuil.
By Monseigneur Olivier Devezin. Seal of de Vaudreuil.
By my said Sieur Raguet. Seal of the Ordonnateur.

28639. Notice of foregoing and copy of proces verbal left with Captain Auvray and Mr. "Duverger" in person, by Sheriff Marin Lenormand, who has presently given order to transport in carts the 150 bbls. to be thrown into the river as defective merchandise. Signed: Lenormand.

Auvray answered that the order was served in the afternoon and the number of carts to be had being insufficient, the execution of the order must be delayed until Monday morning.

Signed: R. Auvray. Lenormand.

28640. Aug. 29. Francois Fleuriau, Attorney General of the King, the Greffier of the Council, Auvray, Captain of the boat "L'Incertain" coming from Havana, and now in port, went to the store of Mr. Deverges, Engineer of the King, where the damaged flour was stored, and requested that carts be furnished to carry out the order of M. Le Normant, the Ordonnateur; which was done and before the aforesaid witnesses, the flour was thrown into the river, after having forbidden that any part of the flour be salvaged.

Signed: R. Auvray. fleuriau. Chateaulin. Henry, Greff.

28641. Sept. 3. Report of Jean Baptiste Raguet, Commissioner in this case. (Repetition of facts mentioned previously).

Signed: R. Auvray. fleuriau. Raguet. Henry, Greff.

28642. Sept. 8. From the flour in the hold of the boat portions were given to Pierre Piquery (Piquerey) and to Philippe Le Chenay, both bakers and on this day they brought before the Judge twelve bannocks of biscuit and six loaves of fresh bread made with said flour. They declared that the biscuit would last about six months and that the bread was almost as good as that made daily with Illinois flour, whereon Sr. Auvray was given permission to convert the remainder of the flour in the hold of the boat into biscuit and bread, selecting it, for the time his crew is to remain here, at the same time forbidding sale of this flour, on condition that the crew makes no complaint and that the whole be made by aforementioned bakers and not sold to private individuals in the Colony.

Aug. 26.

Original notice of seizure on petition of Songy against Carriere.

Notice of citation before Council on the first Saturday of the month of September, on petition of Sr. Songy, dt La France, served on Sr. Carriere at his domicile at home of Sr. Chaperon, in house of Mrs. Piquerey, reiterating decree of seizure issued Nov. 7, 1744.

Signed: Lenormand.

Aug. 27.

28658. 1 p.

Succession of Durcy. Petition for inventory. See August 23rd.

Petition to Mr. Lenormant, Commissioner General of the Marine, Ordonnateur and First Judge in the Superior Council of this Province by Jean Baptiste Durieux, settler and indigo maker, tutor of minor child of deceased Durcy and of the wife of petitioner praying that inventory and collation of same be made before M. Raguet and the Procureur General of all movable effects and slaves of said Durcy in order to render account to whom shall appertain.

Signed: Durieux dit dupre.

Aug. 27. Petition granted, inventory to be taken before MM. Raguet and Fleuriau.

Signed: Lenormant.

Aug. 27. 3 pp.

Cartier, agent of Robert Thorpe, merchant of Carolina, sues Louis Sevet to recover a debt. (See August 25th.)

Petition to Superior Council by Charles Louis Cartier acting under procuration of Sr. Robert Thorpe, merchant of Carolina, for citation of Sr. Louis Sevet for recovery of debt. Signed: Cartier fils.

Permit to cite signed: Raguet.

Aug. 29. Notice of citation served on Sr. Sevet on petition of Sr. Cartier, by Sheriff Lenormand.

Aug. 29. 2 pp.

Rondot of Pointe Coupee, sues du Breuil for a pirogue to replace one lent to him and injured in his service.

Petition to Superior Council by Jean Rondeau (Rondot) resident of Pointe Coupée, stating that he lent Sr. Jahan in the month of June, 1744, a pirogue which was taken from him and lent to Sr. Du Breuil to manufacture indigo. Mr. Barbin had lent a pirogue to wife of petitioner, which pirogue was returned to him and Barbin returned Rondot's to Du Breuil, which was broken and can no longer serve. Wherefore he prays that Sr. Du Breuil be cited before you to show why he should not return another pirogue in good condition.

Signed: Jean Rondot.

Aug. 29. Order of citation signed Lenormant.

Aug. 30. Notice of citation served on Sr. Du Breuil at his domicile by Sheriff Lenormand.

Aug. 29. 1½ pp.

Maigrot asks for execution on his judgment against Broutin. (See August 2nd and 6th.)

Petition to Superior Council by Jacques Maigrot for execution of decree of Council ordering Sr. Broutin to pay 400 livres due by his ward and stepson, Sr. de Marigny who is absent.

Signed: Maigrot.

Parties cited before Council at its next session. Signed: Lenormant.

Aug. 30. Notice of citation served on Sr. Broutin by Sheriff Lenormand.

Document stained and ink very pale.

Aug. 29. 28645. fo. 30. 4223. 1 p.

Sale of negro slave for 1670 livres.

Sale of Negro by Pierre Motet to Joseph Duplechin for sum of 1670 livres.

Signed: Mark of Jean Bte Pierre Motet. Rabelay dt Matelot.
Nicolas prevost, temoin. Louis D. . . . temoin.

Document stained and pale almost illegible.

Aug. 29. 28646. fo. 31. 4224. 1 p.

Salé of land in Pointe Coupee five arpents front on the river by ordinary depth for 300 livres.

Sale of Land fronting on the river measuring five arpents by ordinary depth, passed before Notary of Pointe Coupée, including all inclosures and improvements on said land, by Sr. Rabelay to Sr. Riche for the sum of 300 livres, which he obligates himself to pay in Jan., 1747.

Rabelay declared he did not know how to write and made his mark. Signed: Potin Nore. Mark of Jean Bte Rabelay. Nicolas Proux (?) other signature effaced.

Document stained and ink pale almost illegible.

Aug. 30.
28647. fo. 31.
4225. 2½ pp.

Remy La Cour, a cooper, gave one Adam some chairs to repair. He returned one that did not belong to him. He went to Adam to return it and claim his own. Whereupon Adam and his wife "fell upon him" and he would have been beaten to death had not the neighbors interfered. He sues Adam and his wife for damages.

Declaration in Registry by Remy La Cour, cooper, as a complaint, that he had given chairs to one Adam to repair, and finding one that did not belong to him he went to return it and politely claimed his, whereon the wife of Adam fell upon him, and Adam hearing the noise came in and beat him on the other side so that he cannot use his arm and they would have beaten him to death had not the neighbors interfered. He prays that investigation be made and that he be indemnified for the blows and for his being unable to work as he supports himself solely by his labor. He declares that he cannot raise his hand to sign.

Document so badly charred as to be hardly legible.

(To be Continued)

INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA
XL.

May-July, 1781.
(Continued from April, 1933, Quarterly)

By LAURA L. PORTEOUS.
With Occasional Notes by Henry P. Dart.

May 26, 1781.
No. 3478. 22 pp.
Court of Alcalde
Jacinto Panis.
No Assessor.
Escribano, L. Mazange.

The procedure in this case is familiar to the readers of this calendar.

In brief, the Alcalde, sitting with his Escribano opens an inquiry which primarily is concerned with the theft of a cow, but develops into the study of the methods and habits of refugee negroes in the territory surrounding New Orleans. In the old days these negroes were called marooners, but in the polite Spanish proces verbal they are spoken of as fugitives.

Miss Porteous has summarized the testimony in the case, but the Editor has condensed her work, feeling that the space devoted to it can be more usefully employed in pushing forward the calendar.

When all is said, the story here developed shows that there was always a roving contingent of run-away slaves hiding in the swamps contiguous to New Orleans on both sides of the Mississippi, who lived from hand to mouth chiefly by preying upon the front property owners. Some of these fugitives had made huts in the deep swamps or near the edges of the lakes and bayous, and so

This proceeding opens with a recitation by Alcalde Jacinto Panis that Juan B. Bienvenu has complained of the stealing of a cow from his plantation; that his investigation of the theft disclosed that five of his slaves had run away; that these had been captured in the city and had been imprisoned. The testimony of five white men and six negroes was taken by the Alcalde.

Mr. Bienvenu, the complainant, testified that he is Captain of the urban Militia of New Orleans; that having missed a cow from his plantation he dispatched a party of his slaves armed with three guns and some sticks to beat the forest in search for the cow; that when this party arrived behind the plantation or Arsenal of the King, very near his (Bienvenu's) land, they saw two negroes whom they knew to be fugitives and these were brought before Bienvenu for interrogation. They protested they had not stolen or killed the cow but indicated that this had been done by other fugitive slaves. These two negroes, respectively Juan Baptista, belonging to Mr. St. Amant, and Pedro, belonging to Mr. Tounoir of Pointe Coupee, offered to conduct a party in pursuit of the thieves to the swamp and the lake

far as the comforts of life were concerned were in little better condition that the wild animals which roamed with them through these swamps. A sinister feature of their lives was the employment of these fugitives by a sawmill operator in the neighborhood to cut the timber in the swamps and deliver the squared logs to his mill. Of course, these timber trespassers observed no boundary lines. On the whole, the record developes the squalor and terror in which these fugitives enjoyed their temporary liberty, living as they did under constant fear of capture and punishment.

where these people were hidden. This offer was accepted, but Baptista was placed in irons, while Mr. St. Martin and his son, with Mr. Lamothe, an overseer, and another white man named Girard, with six of his armed slaves under the guidance of Pedro "took the road" to capture the fugitives, and on Sunday, May 27, 1781, at nine o'clock in the morning arrested three negro women: Nancy, Margarita and Maria Juana. The three male negroes who were with them escaped, though one of these was wounded by St. Martin. Mr. Bienvenu questioned Pedro and Baptista to ascertain whether they had not worked in the woods preparing lumber for Mr. Bonne's water mill and whether or not the latter had been paying them for their work. The two negroes said that this was true. Mr. Bienvenu said further that he had heard a rumor that Mr. Bonne procured, brought and retained run-away negroes to be used at his own place. The witness, however, said that he had not "cared to inform himself of these particulars, considering that they were being said of the conduct of a man of honor and probity." Bienvenu and his party found in the huts of the fugitives an axe, a hatchet, a knife, a bayonet and a file, all of which he produced before the Alcalde. The bayonet was identified as one used by the soldiers of the British Waldeck contingent captured by Gov. Galvez. Bienvenu added that his party had found some pieces of meat that remained from his cow that had been killed, the skin of which they brought to Mr. Bienvenu's plantation.

Pedro St. Martin testified along the same lines and corroborated Mr. Bienvenu's testimony. He also said he had heard Pedro say publicly that he had worked in the woods preparing timber and taking it down to Mr. Bonne's water saw, from whom he received one and a half reales for each piece of squared timber. Mr. St. Martin testified further that it was generally known that Mr. Bonne employed fugitive slaves around his sawmill and that he had been told this by a run away slave of Mr. de Reggio and that during April he had gone with Mr. McCarty at his request to his plantation where he saw one of his (St. Martin's) own negroes, who had been arrested by McCarty as a fugitive. Mr. St. Martin also testified to further searches for the fugitives and after this they went to Mr. Bonne's mill and in the presence of Mr. Arlu, Mr. Bonne's brother, said that the latter must have known that these negroes were fugitives and as the result of this conversation, Mr. Bonne threatened to prosecute Mr. St. Martin for making these statements. Thereupon Mr. St. Martin "waited for him on

the levee in front of his house and asked Bonne why he had threatened and spoken about him as he did," bringing from Bonne a statement that he had made the threats but had repented them.

Louis St. Martin, son of the previous witness, testified along similar lines, having been one of the party that captured the fugitive negresses. He also confirmed that the two negroes, Pedro and Baptista had said that they were working in the swamp squaring logs and floating them down the canal to a place where a cart met them and took the timber to Mr. Bonne's mill.

Santiago Lamothe, overseer for the Widow Arnoult, corroborated the previous witnesses' testimony in every respect, he also having been a member of the searching party.

Alexandro Dupont, a schoolmaster at Mr. Pedro St. Martin's plantation, testified that he was a member of the party which arrested the negresses and corroborated the preceding witnesses in every respect.

The Alcalde examined six negroes, all run-away slaves. Juan Baptista, belonging to Mr. St. Amant, Jr., testified that he had been a fugitive for seven months; that he did not do any work in the swamp on the timber but that it was a fact that at the end of every week one of the "boldest and most daring of the run-aways" would go to Mr. Bonne's plantation to receive money for the timber that had been cut and squared by them in the swamp and floated to Bonne's mill. He named several negroes that he met while he was a fugitive.

Pedro testified that he belonged to Mr. Tounoir, who lives in Pointe Coupee. He had been a fugitive for two and a half months and was captured with Baptista on Saturday by Mr. Bienvenu's negroes, in the swamp behind the King's Plantation or Arsenal. He lists the fugitive slaves whom he met behind Mr. Raguet's plantation, including Juan Baptista, Mr. Bienvenu's slave; Tham, belonging to Mr. St. Amant; Samba, belonging to Mr. Duparc; Maria Juana, belonging to Mrs. Noguez; Nancy, belonging to Mr. de Kernion; Marguerita, belonging to Mr. St. Amant, and Zephir, whose ownership he did not give. He said that after being with these fugitives for a month he and Baptista "got disgusted seeing the injury done to the residents of the neighborhood by the robberies committed by the negroes" and he and Baptista separated and retired behind the King's Plantation where the two were later captured. He testified also that he led Mr. Bienvenu's party in the hunt for the fugitives, capturing three negresses, Margarita, Nancy and Maria Juana, but the three negroes who were with them, Zephir, Samba and Tham escaped. They found in one of the huts the skin of the cow and a portion of the meat that had not been eaten. He testified also that while "on the lake" he worked with a negro named Jacques, belonging to Mr. Laroche, sawing timber for Mr. Bonne, cutting and squaring the same. The price for each piece of such timber was a real and a half, and Mr. Bonne paid the total to one of the slaves, usually Tham

"as he was the most intrepid and went at night to the plantation to receive the money from Mr. Bonne's hands." He is asked whether this testimony that he is giving against Mr. Bonne is not actuated by revenge, rancor or ill-will and he denied any such feeling and said he was repeating what was public knowledge with all the fugitive negroes in that place.

Margarita says she was captured when the cabin was surrounded by Mr. St. Martin and his son and some white people and a number of negroes belonging to Mr. Bienvenu. They found in her cabin the skin of the cow and some pieces of meat that remained.

Nancy, the slave of Mr. de Kernion, testified that she is English and her testimony was taken through a translator (This whole report is in Spanish). She corroborates the testimony of the previous negro witnesses, adding that Samba and Zephir stole the cow from Mr. Bienvenu's plantation and brought it to the lake where they had their huts, and there killed it. Asked how these fugitive negroes lived, she replied by fishing in the bayou, by working in the woods cutting timber and squaring pieces. The negro men went out in the morning and came back at night to their huts. They had no guns or other arms. They killed the cow with an axe.

Maria Juana repeats in substance the testimony of the preceding negress, and specifically places the stealing of the cow upon Samba and Zephir, who also killed it. She testified that while these fugitives were behind Raguet's plantation they lived on a little corn that Samba had obtained at Mr. Arlu's plantation, but while they were behind Mr. Bonne's plantation they lived and supported themselves with money given by Mr. Bonne for their work in the woods. "By his orders they squared pieces of wood for his mill which the fugitives cut from the woods and floated down the canal to dry land where a cart came to carry them to the mill." Asked the source of her authority for this statement and for the statement that Mr. Bonne paid two reales for each piece, she says that one day she heard the other negroes say they had gone to Mr. Bonne's plantation, she said she was frightened and asked them how they who were run-aways dared to go "to the plantations of the whites" and they replied they went because they worked for Mr. Bonne.

Zephir testified that he had been a fugitive for a year; that he was arrested on Mr. de Reggio's plantation where he had gone to ask for some ears of corn or other things to eat. This was the first time he ever went there, for during the period he had been a fugitive he lived on the other side of the river behind the plantations of Mr. Bonne, Mrs. Raguet and Mr. Broutin. (This is the first indication we have of the location of the camps of these fugitives and it is evident they were operating in the swamps on the east side of the river. There is no identification of the King's Plantation or Arsenal, but the probability is that this was also on

the east side of the river). Zephir also testified that during the time he was a fugitive he occupied himself in the forest cutting wood and bringing it down by the canal to be used in Mr. Bonne's water mill and he received his stipend in proportion to the particular work he had done. Besides this he said that he and the other fugitives cultivated a piece of land that Mr. Bonne had marked out, in which they planted some corn and vegetables, and when not otherwise engaged and with the consent and permission of Mr. Bonne, they entrusted to his slaves to sell in the city, "baskets, sifters and other articles made of willow," and in return for their value these slaves brought them back provisions as requested. That when they discovered they were being pursued by an expedition led by Chevalier de Macarty, after having been so advised by one of Mr. Bonne's slaves, they refugeed behind Mr. Raguet's plantation at a place called "Bayou de las Canas" (Cane Bayou). From this place he went behind Mr. Broutin's Plantation where they formed two separate encampments with other slaves whom he named. His list includes fifteen negroes distributed in these two refugee camps. He admits knowledge of the theft of various items of property belonging to the planters but lays the crime on other fugitives. These thefts included sugar, salt, wine, lard and things of the same kind, including oxen and cows. After camping in the rear of Mr. Broutin's Plantation he came to the New Orleans side of the river with the intention of giving himself up and seeking the pardon of "the Senor General (Governor)." He wandered through the woods and went to spend the night in the cabins of Mr. de Reggio's slaves where he was arrested by one of that gentleman's sons and brought by his negroes to the prison. This negro says he is about twenty-five years of age and is the only one who gives his age, but in the miscellaneous array of names of fugitives, a girl of sixteen is named.

There is nothing in the record to indicate the result of this examination before Alcalde Panis but the story is interesting, as we have said in the margin, as showing the difficulties of planters and other owners of negroes in keeping their slaves under control and in their own custody. It seems remarkable that a band of fifteen negroes, male and female, were able to carry on their depredations for so long a period of time without being molested, and apparently the band would never have been broken up but for the daring of the negro who stole the cow of Mr. Bienvenu, the Captain of the urban Militia of New Orleans.

June 26.
Emancipation of Francisco de Verges Saubadon.
No. 3527. 95 pp.
Court of Alcalde Guido Dufossat.

Francisco de Verges Soubadon, resident of this city, aged twenty-two years, petitions to be emancipated, asking that witnesses be called to testify to his good character, conduct and ability to manage his own estate. Pedro Santilly,

Assessor, Postigo.
Escribano, Mazange.

Vicente Fangui and Guillermo Boisseau are summoned, and each states in a separate declaration that petitioner is perfectly capable of managing his own affairs. Alcalde Dufossat decrees; he emancipates and does emancipate the petitioner and interposes and does interpose his authority and judicial decree as he has petitioned according to law.

Mr. de Verges then asks that Pedro de Verges who has been administering his estate and has it in his possession, render an account and sworn statement and deliver it to him. Alcalde Dufossat, on Postigo's advice orders Pedro de Verges to deliver the estate to Francisco de Verges Soubadon, amounting to 336 pesos 4 reales and that Pedro Chabert deliver to him 1066 pesos he has been holding during the absence from this Province of Soubadon's father, Francisco de Verges, since it is not known whether or not the Senior Mr. de Verges still lives. Let it be conceded to the son to administer the above said sums for which he must give the necessary bond to the satisfaction of the escribano. A marginal note signed by Mazange certifies the bond has been executed and is recorded in one of the books of his office, dated July 3, 1781.

Pedro de Verges as co-heir of the estate left by his mother, Maria Theresa Pinaud, in the inheritance that belongs to his brother Bernardo de Verges, father of Francisco de Verges Soubadon, renders his account and sworn statement of the amount that should go to his above named brother:

RECAPITULATION

Assets	1296	p. 3	r.
Charges and deductions	376	6	
	919	p. 5	r.

This is followed by 73 vouchers which forms an interesting collection of bills for and against the estate. Among them is the bill for the funeral expenses of the late Mrs. Maria Theresa Pinaud de Verges. This estate is divided into five parts among the five co-heirs, Pedro de Verges, Francisco, son of Bernado de Verges, Mr. de Verges de St. Sauveur and Mr. de Verges de St. Luc (deceased).

Escribano Leonardo Mazange petitions for taxation of costs by the public appraiser. Luis Lioteaud is appointed, takes oath and taxes the costs of the suit at 19 pesos 2½ reales.

July 4.
Criminal Proceedings prosecuted by Odet Baronniere against Geronimo Le Blanc for blows and injuries he has given her.

The plaintiff through her attorney, Francisco Broutin, tells a pitiful tale. She says she is a resident of the Acadian Coast and presents herself before the Court, to complain civilly and criminally against Geronimo LeBlanc of the same

No. 3470. 3 pp.
Court of Alcalde
Pedro Piernas.
Assessor, Juan del
Postigo.
Escribano, Leonardo
Mazange.

vicinity because he, with little fear of God and the justice that the Courts will administer, has injured her by vituperous words uttered in the presence of Carlos de Louviere and his brother, Isidore and the wife of Juan Bourgeois, on the fifteenth of the current month at nine o'clock in the morning. For this reason she wishes to have her reputation restored that has been lost among those who have known her. Besides slandering her, when she fell down on the ground, while leaving her house, LeBlanc took advantage of her, kicked her many times, giving her cuffs in the face and stomach and other parts of her body which is now all bruised. For this reason she could not come down to the city until today to ask justice from the Court and for a vindication from this grievance. She prays that Carlos Louviere, his brother, and Mrs. Bourgeois under oath declare before the Commander of the District, Miguel Cantrelle, all that they have heard of the said injuries and that they have seen the kicks and cuffs given her by Leblanc, on what day, at what hour, in what place and that their declarations be transmitted sealed by the Commander to the Escribano of this Tribunal, as soon as possible. To this effect she prays Alcalde Panis to issue a despatch to Commander Cantrelle with an enclosure of this petition and his decree and done, order all to be delivered to her to use for her rights. She further requests to admit her complaint and summary information which she offers according to the tenor of this written document so as to prove what she has said and that her witnesses also declare if it is not true that Geronimo Le Blanc threatened to set fire to her house which prevented her from leaving it for a month. She asks justice and costs and swears by God, Our Lord, and a sign of the Cross, in conformity to law that this complaint is not brought from malice, but is convenient to her right and protests she will put it in more and better form if it is necessary. She further states she is ill from her wounds and asks that Drs. Joseph Montegut and Juan Ruby, Surgeons Major for His Majesty, examine her said wounds and certify to the number and place located, how received and if injury to her health might not result from them. Alcalde Piernas on Postigo's advice rules: admit the complaint and issue the necessary despatch to the Commander of the Acadian Coast, Miguel Cantrelle, so that he may receive the information this party offers and done transmit to this Court. In her secondary petition, as it is prayed. Among others notified of this decree are Drs. Ruby and Montegut. Dr. Ruby answers the Escribano's notification saying he will not be able to examine the plaintiff's wounds as he is about to leave for Pensacola. Dr. Montegut says he can not proceed to the examination of the lady's wounds because he is sick in bed. This ends the record.

July 4.
Sale of a house belonging to the succession of Fernando de Leyba, Captain of the fixed Battalion of this place.
No. 3506. 20 pp.
Court of Alcalde J. Panis.
Assessor, Juan del Postigo.
Escribano, L. Mazange.

Don Martin Mozon, or Moson, Lieutenant Colonel, uncle and natural tutor of the minor children of the late Fernando de Leyba, in the proceedings taken at his death, says they made an inventory of his property in Illinois where he was Commander and Lieutenant Governor. He owned, besides, a house in this city, on Royal Street, and it is convenient to the rights of the minors that an inventory be made of it and that it be appraised by public experts, their appraisement delivered to him for what may be suitable. Petition granted by Alcalde de Jacinto Panis.

Adrien de la Place and Francisco Bijon are appointed appraisers; they are notified, qualify and proceed to inventory and place a value on the house in the presence of Jacinto Panis, Escribano Mazange and Lieutenant Colonel Martin Mosun tutor to the minor de Leyba children. After giving a description of the house situated on Royal and Ursuline said to be in bad condition it is valued at 2750 pesos. They left the house in the possession of Martin Mosun.

The tutor to the minors petitions to sell the house at public auction for the benefit of the children. He asks that the public calls be made for same. Petition granted, The calls are given July 18, 27 and August 4th. He then prays the Court to name the day for the auction. Panis appoints August 22nd.

The auction is held on the morning of the above said day in the Sala Capitular of the Very Illustrious Ayuntamiento (Cabildo) in the presence of Alcalde Panis, Martin Mosun and the Escribano. His Honor ordered the public crier to call the terms of the sale of the house and lot offered belonging to the de Leyba succession. The first bid of 1500 pesos was offered by Nicolas Forstall, Rigidor Perpetuo; the next was Doctor Don Roberto Dow, at 2000 pesos, the third, Francisco Blache, offering 2500 pesos, then Antonio Bazil Ximenes 3000 pesos. No higher bid was given so the house and lot was adjudicated to Ximenes, who agreed to pay in this manner. 750 pesos cash, 750 pesos to be paid August 22, 1782, another 700 August 22, 1783 and the 750 pesos remaining August 22, 1784.

Martin Mosun sets forth that Fernando de Leyba by a clause in his will named as testamentary executor and guardian of his estate, first the Governor General and second Pedro Vigo, the Governor is absent and so is Mr. Vigo and as a result the minors are without a guardian to take care of their property greatly to their prejudice. In consideration of which and as their uncle and natural tutor, he prays the Court to turn the minors over to him together with the product of their estate and whatever was left to

them by their late father so that he can educate, clothe and feed them. Panis rules: Let what this party represents be made evident and if it is thus, deliver to him as natural tutor, the said minors and the product of the movable and landed estate that remains at the death of Fernando de Leyba.

Martin Mosun asks to have the escribano make a certified copy of the act of sale of the de Leyba house so as to establish what sums he has received belonging to the minors. Panis grants this petition on condition he pay the just and due fees for the copy. The tutor then presents his account and sworn statement showing the estate as:

RECAPITULATION

Assets	6423 p.	3 r.	17 m.
Charges and deductions.....	4757	1	2
	1666 p.	2 r.	15 m.

This account and sworn statement is submitted to the Court with a request to have it approved and that all be ordered to abide by it. Alcalde Pedro Piernas, into whose Court the case has passed, on Postigo's advice, after due examination of the accounts, approves and does approve it and interposes his authority and judicial decree.

Martin Perez Mosun makes a last petition asking for a certified copy of the account and sworn statement presented by him, so that in due time he may make clear to the minors what he has had in his possession belonging to them. Petition granted on condition he pay the just and due fees. A marginal note paraphed by Mazange stipulates he has delivered a copy of the account and sworn statement presented in these proceedings.

Note: An item of this accounting shows Misses Josefa and Rita de Leyba, daughters of Fernando de Lebay y Cordoba, were pupils at the Ursuline Convent. Article 2 of the Data, "Item I have to pass as debit, the sum of eighty-three pesos that I have paid to the Ursuline Nuns of this city for the remainder of an account owed to them for the said minors as appears from Receipt No. 3, that I present with due solemnity."

July 8.
Francisco Broutin vs. Pablo La Cour.
No. 3471. 10 pp.
Court of Alcalde Jacinto Panis.
Assessor, Postigo.
Escribano, Mazange.
To collect a debt.

The plaintiff sets forth that seven months before Pablo La Cour Dubourg, Jr., rented from him the use of one half of a boat for 14 days at the rate of 1½ pesos a day, amounting in all to 21 pesos. He has tried by various proceedings to collect but has been unable to do so. Broutin asks to have the defendant ordered to verify the debt.

Petition granted and as Mr. La Cour Dubourg is on his plantation two leagues away on the other side of the river, upper coast. Nicolas Fromentin notified him of the foregoing decree.

On August 5th. Mr. Dubourg comes to the city to answer the suit, and acknowledges he owes the debt. Thereupon Francisco Broutin prays for a writ of execution for the full amount of the debt, its one tenth and costs. Panis orders Dubourg to pay 21 pesos and costs within five days with a warning that executary process will follow. The debt still remaining unpaid after five days, the plaintiff reiterates his plea for a writ of execution. This time the writ is ordered issued, but is never served. The last entry is Broutin's petition saying Pablo La Cour Dubourg is willing to pay him and costs. He asks that these be ordered taxed. Louis Liotaud, public tax appraiser. He accepts and takes oath, to make the taxation, but it does not appear in the record.

July 10.
Nicolas Favre Daunoy vs. The Succession of his brother, Carlos Favre Daunoy, to have delivered to him, several negroes, some live stock and implements.

No. 3555. 18 pp.
Court of Alcalde Panis.
Assessor, Juan del Postigo.
Escribano, L. Mazange.

The record begins with a certified copy of an act of sale, before Notary Juan B. Garic, dated New Orleans, March 6, 1779 by which Nicolas Favre Daunoy sells to his brother, Carlos Guy Favre Daunoy, his one-half interest in the plantation six leagues from the city, other side of the lower river, composed of one-half of 36 arpents front with the ordinary depth of 40 arpents, with the one-half of the house and other out buildings, one half of the utensils and tools of the plantation, thirty slaves, both men and women, giving the name and age of each, all free of mortgage, according to certificate by the annotator of mortgages. Besides the above mentioned items, he sells six pairs of oxen, 11 cows, 7 calves, 2 very small, 6 bulls, 27 sheep, etc. He sells the one-half of the plantation for 5,000 pesos, the 31 slaves at the rate of 400 pesos each, amounting to 12,400 pesos, the oxen at 50 pesos a pair, the cows at 15 pesos each, the calves at 10 pesos each, the very young ones at 6 pesos each, the bulls at 10 pesos each and the sheep at 2 pesos each. All the live stock amounting to 672 pesos. Carlos Guy Favre Daunoy agrees to pay for the whole in this manner, the plantation in 4 years, one fourth part each year, or 1250 pesos, and for the slaves and live stock within three years, a third part each year amounting to 4357 pesos, 2 reales, 22 maravedi. The purchaser has to give and pay each year of the first three, that will have to run and be counted from this date, 5607 pesos 2 reales and 22 maravedi and the last of the four years for quittance on the plantation 1250 pesos. From this day the vendor surrenders all ownership, etc.

With the foregoing notarial act as a basis for his suit, Nicolas Favre Daunoy avers that it is evident from the foregoing, his brother's succession owes him 18062 pesos for a one-half interest in a plantation of 72 arpents sold to him, together with slaves, live stock and implements, and although his brother has not paid him anything on account for the above mentioned items what is due now can not equal the full amount because of the hurricane they have suffered and considering the sale of all would cause a great loss to the succession, he asks the Court to order the negroes, live stock and implements, that are at present there and appear in the act of sale be delivered to him in the state they are now in, in payment of his credit. Let the land be sold and his share of its value delivered to him, but not to separate his part from the other thirty-six arpents so that the plantation may be sold as an undivided unit, Panis on Postigo's advice orders this petition sent to Maria Elizabeth Destrehan and to the attorney for the minors.

Marie Elizabeth Destrehan, widow of Carlos Favre Daunoy, answers that she consents to the return of all the movable property and concerning the sale of the real property, this is very prejudicial to her and to her minor children. Besides there is a private written document inventoried in the records which annuls the sale made of the said estate. Panis on Postigo's advice orders this sent to the defender of the minors.

Fernando Rodriguez, curator ad lites of the minors, Nicolas and Alexo, sons of Carlos Favre Daunoy and Marie Elizabeth Destrehan, answers the foregoing petition saying that he consents to the return of the slaves, live stock and implements to Nicolas Daunoy and that the plantation remain undivided and sold with the rest of the late Mr. Daunoy's estate. Panis on Postigo's advice rules; with the consent of the widow and the defender of the minors, let the slaves mentioned in the act of sale before Juan B. Garic be returned to Nicolas Daunoy.

The proceedings for delivery is executed before Leonardo Mazange gives the names and ages of the slaves held by the Daunoy succession returned to Nicolas Daunoy. This transaction takes place on the plantation six leagues below the city in the presence of Alcalde Panis, Francisco Broutin, attorney for the widow, Fernando Rodriguez curator ad lites for the minors. There are thirty-one in all, Nicolas Daunoy declares himself satisfied and cancels the suit previously made, reserving to himself the right to claim only one-half of the proceeds from the plantation when it will be sold.

A note signed by Jacinto Panis and Leonardo Mazange states they spent two days in going and coming to accomplish the transfer at the plantation of the late Carlos Favre Daunoy.

July 14.
Salomon Mallines vs. Francisco Pascalis de la Barre.
No. 3522. 16 pp.
Court of Alcalde Pedro Piernas, Acting Governor.
Assessor, Postigo.
Escribano, Mazange.

To foreclose a mortgage.

This record opens with two exhibits, the first a certified copy, dated February 27, 1779, of an act of sale, with mortgage, of a plantation sold by Oliver Pollock to Francisco Pascalis de la Sestera y la Barra, Regidor Perpetuo and Alguacil Mayor (Sheriff) of this city, measuring 6 arpents front by a depth to Lake Pontchartrain, situated 3 leagues from New Orleans, on the same side of the river, commonly called Chapitoulas, adjoined on one side by Widow Wiltz and on the other by the vendor, (which belongs to him by exchange for another piece of land with Juan Waube) for 5500 pesos of 8 reales which the purchaser agrees to pay in this manner, 1000 in the current year, 3000 next year, 1780, and the 1500 remaining in the year 1781. This sale is accepted by Francisco Pascalis de la Barre and his wife, Carlota Voland (Volent).

The second exhibit is the transfer of the vendor's lien on the plantation, mentioned in the foregoing act, by Oliver Pollock to Salomon Mallines, dated July 17, 1779, the said lien amounting to 4000 pesos, 1500 pesos having been paid in merchandise and effects, which would complete the selling price, or 5500 pesos.

Armed with these two documents as a basis for his claim Salomon Mallines alleges that Pascalis de la Barre and his wife, Carlota Volant jointly owe him 4000 hard pesos in Mexican coin. He has made many efforts to collect, as the debt has matured, but has been unable to do so. He prays for a writ of execution for the full amount of the debt its one-tenth and costs. Piernas on Postigo's advice orders the writ of execution issued.

For some reason, not explained, perhaps caused by acting Governor Piernas turning over the Court to Governor Galvez, the writ is not issued and served, and Salomon Mallines reiterates his plea and Galvez decrees that the writ be issued. A note stipulates that the decree has been carried out. Pedro Bertoniere, deputy sheriff, reports that the writ was served on Francisco Pascalis de la Barre, who exhibited as his property, a plantation situated about three leagues distant from this city, measuring six arpents front by eighty deep adjoined on one side by the lands belonging to Joseph Wiltz and on the other by those of Francisco Pascalis de la Barre upon which have been constructed various buildings in very bad condition, as a result of the hurricanes. This is the same plantation mortgaged as aforesaid and as he did not assign any movable property in his house to attach, the plantation was seized which he placed in the possession of the General Receiver at the disposition of this Tribunal. This ends the proceeding.

July 21.
Francisco Olivier vs.
Juan Robin.
No. 3522. 18 pp.
Court of Alcalde
Jacinto Panis.
Assessor, Postigo.
Escribano, Mazange.

To collect a debt.

The suit begins with a letter from Juan Robin to Francisco Olivier together with a certified copy of the latter's power of attorney appointing Francisco Broutin to act for him. These two exhibits are presented to the Court by Broutin with a petition setting forth that in the month of July of 1779 Francisco Olivier sold a plantation to Juan Robin measuring ten arpents front with a house thirty feet long by fourteen wide, a store house twenty-eight feet long by twelve wide, a mill and 50,000 shingles. This plantation is situated eight leagues from the city, other side, lower river, and is sold for 800 pesos of which 400 must be paid within one year and the other 400 six months later and although he has made various efforts he has not been able to collect. This act of sale was executed before Juan B. Garic, or should have been, but it can not be found. Carlos Fraissinet must remember as he took the annotations of the conditions so as to commit the sale to writing and as Olivier did not know how to sign Garic told him he would draw up the act and that his presence was not necessary since he could not write. The Notary made him pay 4 pesos for the act of sale and its certified copy which he paid in the presence of Pablo LeBlanc and Henrique Desprez. It appears from Mr. Robin's letter that he owes the sum stipulated because he asked for an extension of three months. Since then he has sold the 50,000 shingles. He prays that Robin be ordered to pay the debt and all costs and that he verify his letter and signature and acknowledge he owes the amount specified. Panis on Postigo's advice grants the petition.

Juan Robin under oath acknowledges the letter but says he does not owe anything to Francisco Olivier and he did not sign to which the escribano affirms. At the moment of signing he said: "Then if I made any contract with the above said, I was drunk." But he did not deny the signature at the end of the letter was his. He would not sign this declaration as he was requested to do by the escribano.

Filed here are four exhibits. The first a certificate signed by Fleury to the effect that Francisco Olivier remained in his house as a boarder for 45 days at the rate of one peso a day. The second also a certificate signed by Chery de Noyer stating that Francisco Olivier remained in his house for one month at the rate of 1 peso a day for food and lodging. Third the estimate made by Carlos Latour acting for Mr. Robin and Mr. Bardelay for Mr. Olivier as arbitrators. The fourth exhibit is a review of the foregoing by Gabriel Fazende, who makes a new estimate, since the two arbitrators could not come to an agreement on the price of the plantation, improvements, lumber and other effects sold.

Presenting the four above papers Francisco Olivier again petitions saying notwithstanding all that has been proven by the letter and its acknowledgment by Juan Robin in his declaration, he attempts to excuse himself and repudiate his obligation by saying he was drunk. This is not true as the petitioner can prove, but supposing he was drunk, which he has never declared until now, why did he write a letter a year after the sale asking an extension of three months and why did he take possession of the plantation as appears from the buildings, tools, mill carts, stakes and shingles he has taken from the plantation and sold in part, or used to repair his other plantation. He can not deny this as he offered to compromise amicably naming appraisers to put a value on all he had taken from the place. Carlos La Tour was appointed for him and Mr. Barclay for the plaintiff. These two gentlemen could not come to an agreement so they called in Gabriel Fazende as an expert in discord, with the consent of Robin. Now Mrs. Robin does not wish to have Mr. Fazende for an expert, she says he is a crazy man and is known as such. It is contrary to law for her to make such a malicious statement and she should be punished. It is known that Mr. Fazende is an honest man and very intelligent. There is a law that says possession is worth a title of ownership. Besides the plantation he gave him a cow without asking him to pay anything for her. If Robin was drunk when he bought the plantation and did not wish to keep it anymore, the plaintiff would have lived in it and not bought another that he hoped to pay for with the proceeds from the other. Now he finds himself ruined, paying interest for what he owes on it without being able to pay the principal, since Robin does not pay him. Furthermore Robin has caused him to spend 110 pesos in this city for food and lodging at Fleury's and Chery de Noyer's as their certifications show, with an additional 20 days that he was detained under the pretext of a compromise. This does not include his loss of his rice and corn crop for this year, because he had to leave his fields. He and his family are reduced to poverty. He prays for a writ of execution against the defendant for 586 pesos 7½ reales for the full amount, according to the estimate made by Fazende, for all he has taken from the plantation and for expenses incurred while in the city, the one tenth and costs, caused or to be caused. Panis on Postigo's advice orders the writ of execution issued against Robin's person and property for 476 pesos 7½ reales, the estimate made by the appraisers, its one tenth and costs caused or to be caused.

Olivier makes another petition to the effect that his opponent lives on his plantation, so he asks that the deputy sheriff go there to serve the writ of execution and to carry it out. Petition granted. Nicolas Fromentin, deputy sheriff reports he served the writ and that Robin told him he had enough money in the city to pay his

debt which he would deliver just as soon as he went up to New Orleans. Fromentin also reports he spent 5 pesos for the hire of a pirogue and two negroes.

The next document in the file is a certified copy of a notarial act of substitution of procuration by which Esteban Quinones, acting for Robin appoints Rafael Perdomo to act in place of himself in Robin's law suit. Perdomo then petitions stating the deputy sheriff went to his client's plantation to require him to pay 400 and some odd pesos. Up to now Francisco Olivier has not established his claim as legitimate. He asks to have the records of the case delivered to him. Panis on Postigo's advice denies the petition, ordering the decree of August 21st to have effect.

The last entry is a petition signed by J. Robin and Francisco Broutin, acting for his client, Francisco Olivier stating that the plaintiff has agreed to sell the plantation for 880 pesos, Robin to pay all costs and the vendor 400 pesos cash and the 480 pesos remaining, within one year. They ask the present escribano to draw up a written act of sale and that the Court give as null, broken and cancelled the proceedings that have been brought for this purpose. Panis rules; the parties having agreed in the transaction annul the present suit.

July 23.
Nicolas Daunoy empowered by Mrs. Widow Nicolas Chauvin de la Freniere brings redhibitory action against the estate of the late Alexandro Lafreniere for a plantation and a piece of land.
No. 3483. 29 pp.
Court of Alcalde Panis.
Assessor, Juan del Postigo.
Escribano, L. Mazange.

The first document on file is a procuration and declaration, dated Cap Francais, Santo Domingo, May 7, 1781, by which Madame Marguerite Belair, widow of Nicolas Chauvain (Chauvin) de la Freniere, late Procureur General of the Superior Council established by His Most Christian Majesty in New Orleans, sets forth that she is living in the above named city in the Parish of Our Lady of the Assumption. When events forced her to leave New Orleans for Cap Francais, she abandoned a piece of land situated in New Orleans, belonging to her. She wishes to obtain possession of this land as it is hers by inheritance. For this purpose, on May 31st last she granted her power of attorney to her nephew, Favre Daunoy, Captain of the Royal Corps of Artillery and Consul for the French Nation in Louisiana. She has just been notified of the death of the abovesaid Favre Daunoy, so she herewith appoints as her agent in New Orleans, Nicolas Favre Daunoy, Captain Commander of Artillery, to claim for her the abovesaid land and also the plantation situated on the Chapitoulas Coast.

Nicolas Daunoy's petition. Nicolas Favre Daunoy presents the foregoing procuration acting for Mrs. Widow de la Freniere, he sets forth that the deceased Count de la Freniere, without any foundation, nor title to ownership has claimed and taken possession of a piece of land in this city and a plantation on the Chapitoulas Coast belonging to the said Widow, as she states in her procuration and although it was included and sold with the rest of the estate of the late Count de la Freniere, this is prejudicial to his client because this plantation and land was left to Mrs. de la Freniere by tacit consent of the Court for her support. He asks to have the plantation and lot returned to the rightful owner without delay. Panis on Postigo's advice orders the procuration which is in French translated into Spanish by Pedro Bertoniere who must first accept and take oath. This is followed by the Spanish translation, at the end of it there is a further ruling by Panis on Postigo's advice ordering the presentation of the titles to the house and lot so as to render a suitable decree.

Copy of the act of sale. A certified copy of the act of sale dated New Orleans, January 11, 1768, by which Nicolas Chauvin de la Freniere, Counsellor of the King in His Councils and his Procureur General at the Superior Council sells to Jean Baptiste Cezaire Le Breton, a plantation containing 9 arpents front on a depth up to Lake Pontchartrain adjoined on one side by Mrs. Wiltz and on the other by Mr. Desilest about 3 leagues from the city on the same side of the river ascending on which there is the principal house 50 feet long by 38 wide, elevated 2 feet from the ground with galleries 9 feet wide back and front with a hall, three rooms with a cabinet and an office placed on the back gallery, brick chimneys, with a kitchen and other outbuildings, all in good condition. The vendor acquired the property at judicial sale from Mr. Laissard in partnership with Mr. La Grange, all of these titles have been placed in the hands of the purchaser, who accepts the sale which is made for 5000 livres in piastres gourdes. Besides this plantation there is a piece of land 8 arpents front by 80 deep the one-half interest in which Mr. Le Breton cedes for the rest of the payment having given his note for the other part. This land is partly cleared and is adjoined on one side by Mr. de Noyan and on the other by Mr. Bellair and is situated two leagues from the city, ascending the river, this side. This is transferred to Mr. de la Freniere, his heirs and assigns to enjoy and dispose of as a thing belonging to him just as Mr. Le Breton enjoyed it, having acquired it at the judicial sale of the late Mr. Bellair. This plantation is guaranteed to Mr. de la Freniere as free of all debts and mortgages.

Nicolas Daunoy's petition. Nicolas Daunoy presents this act of transfer as he has been ordered by the Court to do, it and the title to the lot in the city appear among the papers inventoried in the succession of Alexandro de

la Freniere. Panis on Postigo's advice rules that the title to the plantation which is in French must be translated into Spanish by Pedro Bertoniere who must first accept and take oath and when done let the translation be brought to the Court. Bertoniere makes the Spanish translation. The Court then orders the translation sent to Joseph Le Breton.

Joseph Le Breton's answer.

Francisco Joseph Le Breton Dorgenois, testamentary executor and guardian of the estate of the late Alexandro Lafreniere answers the suit brought by Nicolas Favre Daunoy, as agent for Mrs. Nicolas Chauvin de la Freniere, for the restoration of a plantation at Chapitoulas and a piece of real property in the city; says he must contest the petition that has been sent to him together with the claim stipulated therein. He ask to have Andres Almonester y Roxas ordered to make certified copies of the proceedings for the settlement of the estate of Nicolas Chauvin de la Freniere, one of the Criminals of State and also a copy of the receipt given by the widow for the part that belongs to her in the estate of her late husband. Petition granted, provided Le Breton pays the just fees for the copies.

Certified copy of the proceedings to settle the claims against the La Freniere estate.

A certified copy of what seems to be the proceedings of Commissioners appointed by Governor General O'Reilly to settle claims against the de la Freniere estate. It is dated New Orleans, February 3, 1770, and reads in part: There were assembled, Joseph Carrofa, Captain of the Regiment of Light Cavalry of Volunteers of Spain; Joseph de Urrutia, Advocate of the Royal Treasury of this city; Juan Bautista Garic, Escribano of the Government, Public and Cabildo of this city, commissioned by His Excellency, Don Alexandro O'Reilly for this affair; Licensed Felix del Rey, Advocate of the Royal Audience of Santo Domingo, Mexico and their Very Illustrious Colleagues, Defender of the Royal Treasury and Leonardo Mazange, empowered by the widow of Nicolas Chauvin de la Freniere; to examine the proceedings of inventory, appraisement and sale of the estate of de la Freniere, one of the Criminals of State sentenced on the 24th. of last October, to determine on examination what belongs to the estate. They said in consequence of what has been explained in these and the rest of the proceedings by the Defender of the Royal Treasury and Mazange held with the same object, declaring as they do declare the debts included in the statement as completely proven. the said commissioners accord and do accord that there be restored to the Royal Treasury with the necessary formalities, 182 pesos 4 reales that must be deducted from the 56,455 livres 10 reales the total amount of the estate as appears in the recapitulation on page 40, to complete the 2007 pesos supplied from the King's treasury to the Assessor Fiscal and the Escribano of the above said cause, for

their transportation and support in this said city in conformity to the foregoing pro rata as also the costs of the proceedings as decreed on page 46. There must likewise be turned over to the Widow 14,796 livres 5 sols, the amount of her dowry as appears in the instrument filed on page 41. The said Treasurer must distribute the rest of the product among the creditors of the estate in the order set down in the said statement and since the debts amount to 81,524 livres there will not be sufficient to entirely satisfy all. The commissioners hope their decision will meet with the approval of His Excellency. They sign: Joseph Carrofa. Doctor Manuel Joseph de Urrutia. Martin Navarro. Juan Bautista Garic. Licenciado Felix del Rey. Leonardo Mazange. Before Josef Fernandez, Escribano.

The second certified copy. The second certified copy is marked "Other for the entry of the Preciput," and is the order of the Commissioners to pay Mrs. de la Freniere 1,500 livres as her preciput according to her marriage contract.

The third certified copy. The third certified copy is dated New Orleans, February 26, 1770, and is to the effect that Santiago Bellair, resident of this city, empowered by Margarita Hubert Bellair, widow of Nicolas Chauvin de la Freniere, according to act executed before Juan Bautista Garic, Notary of the Government, Public and Cabildo of this city, dated the tenth of the present month and year, acknowledges to have received from the Treasurer Don Martin Navarro 14,796 livres 5 sols that were ordered paid to her as her dowry by the decree rendered on the third of the present month and year in the proceedings executed in virtue of a commission from His Excellency Senor Don Alexandro O'Reilly, Captain General of this Province for the sale of the property left by the late Nicolas Chauvin de la Freniere.

Le Breton's Petition. Joseph Le Breton Dorgenois then petitions, stating that Mrs. La Freniere's claim to the plantation and city lot is without foundation as she has received from the estate of her late husband the part that belongs to her for her dowry and for what she has inherited from her father and brought to the community as is shown by the foregoing documents that he duly presents. In consideration of which all proceedings must be concluded concerning her claim. He prays for a definite sentence excluding her claim and condemning her to pay costs caused, or to be caused. Panis orders this petition sent to Nicolas Daunoy which ends the record.

July 28.
Pedro Lacabane vs.
Lacou Dubourg.
No No. 13 pp.
Court of Alcalde
Jacinto Panis.
Assessor, Postigo.
Escribano, Mazange.
To collect a debt.

Pedro La Cabane called Petition, resident of this city, presents an original note signed by Pablo La Cour Dubourg for 70 pesos which he has been unable to collect. The writ is issued and served by Nicolas Fromentin. Lacour Dubourg comes to the city and makes a declaration that the signature on the note is his and that he owes the amount specified. Pedro La Cabane then prays for a writ of execution for the amount of the debt, its one-tenth and costs. Panis orders the debt paid within five days with a warning that executory proceedings will follow. Three months more than the five days having passed without a settlement, Pedro La Cabane reiterates his plea for a writ of execution. This time it is issued, but never served as the plaintiff presents a petition stating that the defendant is willing to pay the debt with costs. He asks for a taxation of same and that the note be returned to him to deliver to his opponent when paid. Petition granted. The taxation to be made by Luis Liotud public appraiser, who is notified and qualifies, but the taxation is never made.

(To be continued)